

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

REGULAR MEETING

JANUARY 8, 2002

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.

Council Member Rogers delivered the invocation and Mayor Frank 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 a supplemental appropriation for the School Board. The motion also included referring a request to vacate a strip of Collicello Street to the Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Economic Development Director Shull presented an overview of the next phase of a project to restore and renovate a historic building in downtown Harrisonburg. He said that the Hardesty-Higgins House, the second oldest building in the City, was once owned and occupied by the City's first mayor. A grant was received from VDOT to purchase the property. The City now has title to the building. A Citizens Advisory Committee has assisted in planning appropriate future uses of this facility, along with professional services provided by Frazier Associates, Architects. He explained that the building will need a lot of repair to the

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outside and the back portion of the building, which was added at a later date. The building will be a multi-use facility and contain a history museum to help celebrate the heritage of the building and the community. Other plans for the building include a downtown trolley stop, a larger facility for the Convention & Visitors Bureau, a history/transportation museum emphasizing the history of the Valley Pike, Mrs. Hardesty's Tea Room, a gift shop, a children's craft/room play/area, and a garden/open space. Mr. Shull requested that Council adopt a Resolution of Endorsement to apply to VDOT for an 80% TEA-21 grant for the renovations.

At 7:46 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 Friday, December 28, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 8, 2002 at 7:30 p.m., in the Harrisonburg Municipal Building, City Council Chambers, 345 South Main Street, to receive comments on three applications for the Commonwealth of Virginia's Transportation Enhancement Program. The proposed projects are as follows:

2. The Hardesty-Higgins House Renovations project would fund renovation of the Hardesty-Higgins House, constructed in 1848 and located at 212 South Main Street in the City of Harrisonburg. The facility is proposed to serve both tourists and local citizens. It shall be a multi-use facility and contain a history museum to help celebrate the heritage of the building and the community. A trolley stop and gardens/open space is planned for the site.

Preliminary information is available for review in the Department of Planning and Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Director of Planning and Community Development at least five (5) days prior to the date of the meeting.

Stacy Turner

Director of Planning and Community Development

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Mayor Frank called on anyone desiring to speak for or against this application for the Commonwealth of Virginia's Transportation Enhancement Program.

Bob Sullivan, a resident living at 65 Paul Street, said that he was thrilled to death that this subject was before City Council. He said that the house was chosen in 1969 to be included as part of the walking tour of the downtown area. He also said that several rooms in the front part of the house were decorated for First Night, which could be viewed through the windows. It was a marvelous display that highlighted this historic structure. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve to adopt the following resolution.

**RESOLUTION ENDORSING ESTABLISHMENT OF
A TRANSPORTATION ENHANCEMENT PROJECT FOR THE
HARDESTY HIGGINS HOUSE RENOVATIONS**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the City of Harrisonburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Harrisonburg, requests the Commonwealth Transportation Board to establish a project for the Hardesty-Higgins House Renovations to renovate a house constructed in 1848, located at 212 South Main Street in the City of Harrisonburg. The facility is proposed to serve both tourists and local citizens. It will be a multi-use facility and contain a history museum to help celebrate the heritage of the building and the community. A trolley stop and gardens/open space are planned for the site.

BE IT FURTHER RESOVLED, that the City of Harrisonburg hereby agrees to pay a minimum of 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the City of Harrisonburg subsequently elects to cancel this project the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 8th day of January, 2002 in Harrisonburg, Virginia.

Mayor

Attest:

City Clerk

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner presented an overview of a project to apply for an application for the Commonwealth of Virginia's Transportation Enhancement Program for the Port Republic Road Bikeway and Pedestrian Facility Phase II. She explained that this project would be a continuation for the Port Republic Road Bikeway and Pedestrian Facility Phase I which is currently under construction to add bike lanes, sidewalks and roadway improvements. A grant was received in 1998 to partially fund the Port Republic Road Bikeway and Pedestrian Facility Phase I. This portion of the grant is eligible to help fund the portion of this attributable to bike and pedestrian facilities. Currently the City is four and five laning at intersections on Port Republic Road in connection with this project. Phase I of the project extends from Forrest Hill Road to Devon Lane and the next grant would span from Devon Lane to the City limits. This is an important project because there are approximately seven thousand residents who live in the apartments in the area as well as several large single-family subdivisions that depend on Port Republic Road as a primary access to get to their employment, shopping, and a direct access to Interstate 81. The total cost of the project is estimated at approximately \$2.2 million. Mrs. Turner requested that Council adopt a Resolution of Endorsement to apply to VDOT for a grant to begin the Port Republic Road Bikeway and Pedestrian Facility Phase II.

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At 7:56 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 Friday, December 28, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 8, 2002 at 7:30 p.m., in the Harrisonburg Municipal Building, City Council Chambers, 345 South Main Street, to receive comments on three applications for the Commonwealth of Virginia's Transportation Enhancement Program. The proposed projects are as follows:

- 1. The Port Republic Road Bikeway and Pedestrian Facility Phase II would fund construction of bicycle and pedestrian facilities on Port Republic Road from Devon Lane south to the City limits.**

Preliminary information is available for review in the Department of Planning and Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Director of Planning and Community Development at least five (5) days prior to the date of the meeting.

Stacy Turner

Director of Planning and Community Development

Mayor Frank called on anyone desiring to speak for or against this application for the Commonwealth of Virginia's Transportation Enhancement Program.

Leonard VanVyck, a resident of 1065 South Dogwood Drive, said that he was a member of the Shenandoah Valley Bicycle Club and pointed out that the City only has two bicycle lanes in the entire City. One of the two bicycle lanes is on Neff Avenue and many students live on Neff Avenue and attend school at James Madison University. However, students can't use the bike lane on Neff Avenue to get to JMU because the bike lane ends too soon. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that the Council resolve to adopt the following resolution.

RESOLUTION ENDORSING ESTABLISHMENT OF

A TRANSPORTATION ENHANCEMENT PROJECT FOR THE

PORT REPUBLIC ROAD BIKEWAY AND PEDESTRAIN FACILITY PHASE II

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the City of Harrisonburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Harrisonburg, requests the Commonwealth Transportation Board to establish a project for the Port Republic Road Bikeway and Pedestrian Facilities Phase II to construct bicycle and pedestrian facilities on Port Republic Road from Devon Lane South to the City limits.

BE IT FURTHER RESOVLED, that the City of Harrisonburg hereby agrees to pay a minimum of 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the City of Harrisonburg subsequently elects to cancel this project the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 8th day of January, 2002 in Harrisonburg, Virginia.

Mayor

Attest:

City Clerk

The recorded roll call vote was taken as follows:

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Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Todd Peterson, a project manager with Anderson and Associates, presented an overview of a project submitted by James Madison University to apply for an application for the Commonwealth of Virginia's Transportation Enhancement Program for the South Main Street Pedestrian Improvement Project. He explained that this project would focus on improvements to pedestrian and vehicular safety along South Main Street between Warsaw Avenue and Grace Street. The university is involved because most of the people who cross the street in that area are JMU students or employees. Mr. Peterson suggested several recommendations for the area of South Main Street including a new stoplight at Patterson Street, crosswalks with lighted signals, in-road flashing lights on Patterson Street, a median/pedestrian island, crossing vegetation, new left turn lanes, bluestone buffer, stamped crosswalk, and barrier landscaping to direct foot traffic.

Win Hunt, Director of Facilities at James Madison University, said that the university doesn't want to feel walled in. Visibility is very important. The crossing vegetation will not stop everyone. He said that if a physical barrier could be worked into the design without obstructing the view of the campus, it would be used.

Police Chief Harper came to the podium to clarify several questions asked by Council Members. He said, If a crosswalk is signaled with pedestrian lights then the pedestrian has to obey those lights. If it is a crosswalk containing no signals then the pedestrian has to use due caution crossing the crosswalk.

At 8:31 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 Friday, December 28, 2001.

NOTICE OF PUBLIC HEARING

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

The Harrisonburg City Council will hold a public hearing on Tuesday, January 8, 2002 at 7:30 p.m., in the Harrisonburg Municipal Building, City Council Chambers, 345 South Main Street, to receive comments on three applications for the Commonwealth of Virginia's Transportation Enhancement Program. The proposed projects are as follows:

3. The South Main Street Pedestrian Improvement Project would focus on improvements to pedestrian and vehicular safety along South Main Street between Warsaw Avenue and Grace Street.

Preliminary information is available for review in the Department of Planning and Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Director of Planning and Community Development at least five (5) days prior to the date of the meeting.

Stacy Turner

Director of Planning and Community Development

Mayor Frank called on anyone desiring to speak for or against this application for the Commonwealth of Virginia's Transportation Enhancement Program for the South Main Street Pedestrian Improvement Project.

Darrell Nash, a resident of Rockingham County, said that he teaches at James Madison University. He said that since his office is located on the other side of the street he crosses it four times a day. The situation with students has improved since the university stopped having classes in the building; however, the main offender is City buses because the green traffic signal light and pedestrian crossing light occur at the same time. He suggested installing NO TURN ON RIGHT signs.

Fire Chief Shifflett said that he had a concern about this project. He explained that he was concerned about the raised median proposed in the project between Patterson Street and Grace Street. This raised median will seriously impede the ability of emergency vehicles to go north on Main Street and increase the response time of those vehicles for anything North of Grace Street. This area is routinely congested at least three or four times a day which makes emergency vehicles have to use the center turn lane to get around stationary vehicles. Otherwise, the ambulances and fire trucks would sit behind stopped traffic until cars and trucks could move out of the way. There are times when traffic conditions permit that the emergency vehicles even have to go into the South bound lanes that is closest to this proposed median in order to get through the Grace Street intersection. This plan eliminates the turn lane that the emergency vehicles

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use every day from Patterson Street half way down to Grace Street. Fire and rescue vehicles from the Maryland Avenue firehouse use this corridor at two to three times a day responding to emergency situations. He also noted that many other localities emergency vehicles use this corridor to get to Rockingham Memorial Hospital. He said, I voiced my concerns about this raised median at the beginning of this project and at least one other time during the planning process. I voiced my concerns through other City officials to the engineers proposing this plan; however, no one from the engineering firm has contacted my office to discuss my concerns. I am sure that the engineers designing this project will tell you that they have given priority to pedestrian safety over emergency vehicles in creating this raised median which is to serve for a safe haven for pedestrians who get caught half way across the street when the light changes. I believe that rather than creating a place of safe haven this plan actually puts pedestrian in the median in harm's way. These pedestrians will not always be paying attention to traffic regardless of their age, they will be talking, they will be listening to music through headphones, or perhaps some horseplay will occur. It will only take one pedestrian getting too close to the edge of the median at the same time a truck with wide mirrors is coming down the lane to strike a pedestrian in the median and cause an accident. No one is more interested in public safety of JMU students than I am because it is my personnel that have to respond when an accident occurs. But, you don't solve a problem with one segment of the population at the potential risk of another. Mr. Shifflett said, I am asking that you reject this portion of the plan based primarily on the fact that a very real potential exist to impede the flow of emergency vehicles there by increasing response times to RMH and other portions of the City.

Todd Peterson explained that his company had considered the effect of emergency vehicles traveling on the streets and the raised median strip. He said perhaps we should look at it in further details as we approach the design phase of this project. We are not married to this plan, but the raised median offers an added benefit of safety to the pedestrians which is the primary goal of this project.

Bill Blessing, Chairman of the Harrisonburg Transportation/Safety Commission, said that since he became chairman of the commission this particular area has been a big concern. He said, We has discussed numerous ways of trying to address this problem. The project that has been proposed, besides some concerns expressed by Chief Shifflett, is the first time we have been able to get to a point where JMU and the City is agreeing to something in this area. The idea that is being proposed has worked in other university areas. The safety commission endorses and supports this project and would like to see it moved forward. He also said what ever is done, it will take an educational process to go along with it, because some people are doing the wrong thing only because they don't know what they are suppose to do.

Bucky Berry, a resident of 877 North Main Street, said that he supported Chief Shifflett concerns. There being no others desiring to be heard, the public hearing was declared closed at 9:00 p.m., and the regular session reconvened.

Council Member Fitzgerald offered a motion that the Council resolve to adopt the following resolution.

RESOLUTION ENDORSING ESTABLISHMENT OF

A TRANSPORTATION ENHANCEMENT PROJECT FOR THE

SOUTH MAIN STREET PEDESTRIAN IMPROVEMENT PROJECT

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the City of Harrisonburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Harrisonburg, requests the Commonwealth Transportation Board to establish a project for the South Main Street Pedestrian Improvement Project to focus on improvements to pedestrian and vehicular safety along South Main Street between Warsaw Avenue and Grace Street.

Adopted this 8th day of January, 2002 in Harrisonburg, Virginia.

Mayor

Attest:

City Clerk

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

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Mayor Frank

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds which were received from a one-time special grant through the Department of Criminal Justice Services will be used to purchase camera and surveillance equipment.

At 9:01 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, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services - VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
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School Fund:

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Instruction **109,372.00**

Public Transportation Fund:

Transit buses **649,193.00**

Total **\$2,414,274.00**

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this supplemental appropriation for the Police Department. There being no one desiring to be heard, the public hearing was declared closed at 9:02 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve this supplemental appropriation requested by the Police Department for a first reading, and that:

\$5,000 chge. to: 1000-33530 One time special grant

\$5,000 approp. to: 1000-310331-45840 Drug investigations

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

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Council Member Rogers

Mayor Frank

Absent None

At 9:03 p.m., Mayor Frank closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services - VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
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School Fund:

Instruction	109,372.00
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Public Transportation Fund:

Transit buses **649,193.00**

Total **\$2,414,274.00**

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against increasing the City's budget for first debt payment on the Rescue Squad Building bonds. There being no one desiring to be heard, the public hearing was declared closed at 9:06 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve increasing the City's budget for the first debt payment on the Rescue Squad Building bonds for a first reading, and that:

\$22,630 chge. to: 1000-31010 Amount from fund balance

\$22,630 approp. to: 1000-981042-49125 Rescue Squad bond issue interest

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

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Mayor Frank

Absent None

At 9:07 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, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
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School Fund:

Instruction	109,372.00
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Public Transportation Fund:

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Transit buses

649,193.00

Total

\$2,414,274.00

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against increasing the City's budget for the cost of the construction of a building for the rescue squad. There being no one desiring to be heard, the public hearing was declared closed at 9:08 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to increase the City's budget for the cost of the construction of a building for the rescue squad for a first reading, and that:

\$1,613,079.00 chge. to: 1310-34110 Bond proceeds

15,000.00 chge. to: 1310-31513 Investments earnings

\$1,628,079.00 approp. to: 1310-910141-48694 Rescue squad building construction

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

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Mayor Frank

Absent None

At 9:10 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, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
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School Fund:

Instruction	109,372.00
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Public Transportation Fund:

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Transit buses

649,193.00

Total

\$2,414,274.00

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against a supplemental appropriation for the School Board.

School Superintendent Ford explained that the School Board is seeking approval for a supplemental appropriation to the operating budget for \$109,372.00. He explained that these funds represent unanticipated receipts from Federal, State, and local funds that were not known during the budget process. There being no others desiring to be heard, the public hearing was declared closed at 9:12 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve the request from the School Board for a first reading, and that:

\$62,666.00 chge. to: 1111-33301 School Revenue Federal

3,094.00 chge. to: 1111-32442 School Revenue State

37,637.00 chge. to: 1111-31691 School Revenue Other

5,975.00 chge. to: 1111-31010 School s unappropriated fund balance

\$109,372.00 approp. to: 1111-40610 Instruction

The recorded roll call vote was taken as follows:

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Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

At 9:14 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, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
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MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

School Fund:

Instruction **109,372.00**

Public Transportation Fund:

Transit buses **649,193.00**

Total **\$2,414,274.00**

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against a supplemental appropriation for the Public Transportation Department. There being no one desiring to be heard, the public hearing was declared closed at 9:15 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve this supplemental appropriation to purchase three (3) transit buses and one (1) paratransit bus for a first reading, and that:

\$ 25,968.00 chge. to: 2013-31010 Amount from fund balance

103,871.00 chge. to: 2013-32519 Transit Capital Grant State

519,354.00 chge. to: 2013-33305 Transit Capital Grant Bus Federal

\$649,193.00 approp. to: 2013-872081-48253 Transit buses

The recorded roll call vote was taken as follows:

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Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

City Manager Baker presented a request from Our Community Place to be tax exempt from local taxation. He noted that Our Community Place had responded to the nine questions that the state code requires answering as part of the consideration for receiving tax-exempt status. He also noted that the final decision rests with the General Assembly.

At 9:16 p.m., Mayor Frank closed the regular session temporarily and called the evening ninth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2001.

CITY OF HARRISONBURG

NOTICE OF PUBLIC HEARING

Please take notice that on January 8, 2002, at 7:30 p.m., in the City Council Chamber, 345 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, concerning a request by Our Community Place, a non-profit corporation, for exemption from local taxation. The assessed value of all property owned by Our Community Place, in the City of Harrisonburg for the year 2001 was \$81,600 and the taxes paid the City for the year 2000 was \$505.92. Public comments on the proposed exemption which would be granted by the Virginia General Assembly are invited and all citizens shall have an opportunity to be heard. Further information is available from the City Manager's Office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

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.

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this tax-exempt request.

Jonathan Stragg, a member of the Board of Directors for Our Community Place said that the facility was requesting to be exempt from local taxation. He said that the organization was born out of establishing free food for a soup kitchen, which started The Little Grill Restaurant in 1992. It is an all-volunteer organization. Our Community Place has four purposes including promoting the concept of an inclusive community to appreciate diversity, accommodate, foster, and provide activities and programs related to personal growth, recourse and network in the community, and to educate and empower individuals toward self sufficiency thus creating social capital for the community at large. He said, We are a non-profit corporation with an active working board, community owned, community guided, community driven with a particular emphasis on service. We own the property which is valued at \$81,600 and pay \$505.92 in taxes.

Cheryl Talley, a resident of 691 Maryland Avenue, asked City Council to support this proposal. She said that churches had the privilege of not paying property taxes and this group was doing as much or more as any church to help people spiritually and feed the hungry.

Ron Copeland, a resident of 661 North Main Street, said that he was also a member of the Board of Directors of Our Community Place and noted that their goal was to build the City up not to tear it down. There being no others desiring to be heard the public hearing was declared closed at 9:15 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that Council resolve to make a recommendation to the General Assembly that Our Community Place be approved for tax-exempt status. A prepared resolution will be presented at the next City Council meeting and then submitted to the General Assembly.

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Planning and Community Development Director Turner introduced a request by John Monger and Betty Nesselrodt of the estate of Paul W. Whitmer to rezone three lots located on the west side of Virginia Avenue from M-1, General Industrial District to R-2, Residential District. The lots are located at 1021, 1031, & 1041 Virginia Avenue. Mrs. Turner reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Neighborhood Residential. 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. She explained that for the past year, owners of lots 1 through 7, have been asking to be rezoned from their current M-1, General Industrial District to R-2, Residential District. Before the June 13, 2001 Planning Commission meeting the property owner of lot 7 requested to be removed from the rezoning request, due to problems of encroachment by a billboard located on lot 8 that hung over the property line of lot 7 by two feet. At the meeting, staff reported that a sight distance easement would be needed for access to lots 4 through 6, which at that time Christophel Properties had not obtained. Planning Commission at that time tabled the request, until Christophel Properties could obtain an easement. Currently, they have not submitted any easement language. Planning Commission at that meeting also made the suggestion that the property owners of lots 1 through 3 proceed without the Christophel Properties lots and come back to the Planning Commission with a rezoning request for these three properties. She explained that each of these three lots contain 7,500 square feet and rezoning them to an R-2 use would allow single-family homes to be located on each of the three lots or there could be two duplexes if the lots were jointly owned and re-subdivided. Staff is recommending approval of the rezoning request. The Comprehensive Plan designates this area as Neighborhood Residential. The zoning being requested by the applicants, R-2, Residential District, is in harmony with the Comprehensive Plan's designation and would be a buffer in housing types between Virginia Avenue and the single-family houses on Lee Avenue. A residential use versus an industrial use would fit better within this area and the current residential use on the Nesselrodt property. She said that Planning Commission recommended approval.

At 9:22 p.m., Mayor Frank closed the regular session temporarily and called the evening tenth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 24, and Monday, December 31, 2001.

Notice Of Public Hearing

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

The Harrisonburg City Council will hold a public hearing on Tuesday, January 8, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning

-

Public hearing to consider a request by John Monger & Estate of Paul W. Whitmer to rezone 0.5165 acres, tax map parcels 39-K-1,2,3 from M-1, General Industrial District to R-2, Residential District. The lots are located at 1021, 1031, & 1041 Virginia Avenue.

The Comprehensive Plan designates this area as Neighborhood Residential. 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 Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. In addition, 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.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was closed at 9:24 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve the rezoning request.

The recorded roll call vote was taken as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request for a subdivision that includes a variance to the requirement that all lots front on a public street. She explained that this property which consists of approximately three acres is located at 2240 Bluestone Hills Drive. The request is to subdivide this property into twenty-two (22) townhouse lots, and two common areas with a variance to the requirement that lots G-16 through G-22 as proposed would not front on a public street. This property is currently zoned R-3, Multiple Dwelling Residential District, which is consistent with the Comprehensive Plan designation for medium density residential; however, some of it is also recommended for commercial. Mrs. Turner also reviewed the surrounding uses in the area. This site was first proposed for development in 1989. A variance was granted by the Board of Zoning Appeals to allow for the construction of 40 luxury condominium units that would have been five stories high. The plan met with strong opposition from the surrounding neighborhood members and was never constructed as proposed. The recent request is for building town houses that would meet the height regulations; however, the situation with these town houses is that six would not front on a public street. The property has an average slope of twenty percent or a one to five slope ratio. Some areas of the property are much steeper. Any road built on the property that would extend out from Blue Stone Drive to Evelyn Byrd Avenue would not be able to meet City's standards as far as the steepness of the roadway. Planning Commission took into consideration the unique conditions on this property and the steep terrain and recommended approval of the request with a vote of six to one. Following further discussion and comments, Council Member Lantz offered a motion that Council resolve to approve the variance to the subdivision regulation as presented.

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

No - Mayor Frank

Absent None

Clifford Davis presented a request for financial contribution for a project called Hogpen Run Disabled Hunters Access Road. He explained that City Council had granted a small financial commitment in 1997 and 1999; however, the application for a grant to the Department of Conservation and Recreation to the State of Virginia was not funded. This project will add two flood resistant bridges to Hogpen Run Road in the George Washington National Forrest. Currently the semi-abandoned road is only open as a walking trail or for disabled hunters who can drive their vehicles. The road has two river crossings and no bridges and is only passable when the weather is good and totally impassable in any kind of inclement weather. The original grant opened 2.6 miles to disabled citizens, and this grant would add another 1.7 miles of trail for every citizen not only the disabled citizen to be used for a variety of reasons including fishing, picnicking, hiking, horseback riding, bird watching, and four-wheeling. Following further discussion and comments. Council Member Lantz offered a motion that Council resolve to approve the financial request of \$3,000 for the Hogpen Run Road project.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Mayor Frank

No - Vice-Mayor Peterson

Council Member Fitzgerald

Absent None

John Giles, a planner with the Central Shenandoah Planning District Commission, briefly reviewed the activities of the Planning District Commission. He explained that the Planning District Commission has been dedicated to promoting economic and community development in the region, which serves many cities and countries. Programs in the area include flood mitigation, regional flood planning, economic development planning, regional workshops, geographical information systems, computer mapping, transportation enhancement projects, grant assistance, comprehensive planning, land use regulations, and low-income

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

housing projects. The focus of the Shenandoah Summit Group is to identify key service areas where there are opportunities for regional cooperation and action. In September 2000, the Central Shenandoah Planning District Commission was designated by the Federal Emergency Management Agency (FEMA) as a Project Impact Community. Through Shenandoah Valley Project Impact's disaster mitigation education program, Valley residents will be given the tools they need to help protect their families, properties, and businesses from natural hazards. Members of the Central Shenandoah Planning District Commission from Harrisonburg are Mayor Carolyn Frank and City Planner Earl Anderson.

Jane Hubbell and Cheryl Talley, representing the Healthy CommUnity Council, presented a brief overview of a recent report, which has just been completed. Mrs. Talley said that the Healthy CommUnity Council was spearheaded in 1996 by a collaborative effort between the Rockingham Memorial Hospital and the United Way. There are now 100 entities within the City and County that come together to do the work of the Healthy CommUnity Council. The Healthy CommUnity Council serves as a vehicle through which collaboration will occur to enhance the quality of life for all members of our community. The Council identified from a survey conducted in 2001 community needs and areas of concern in the City of Harrisonburg and the surrounding area in the county. The monthly steering meetings and quarterly meetings bring members together to set priorities and to help with planning and implementation. Some of the planning and coordinated initiatives that are implemented include Hispanic Lay Health Promoters, Enhanced Rural Transportation, and Intergenerational Day Care, Office on Children and Youth, Healthy Families of the Blue Ridge, School Nurse Assistance Program (SNAP) and Health Care Interpreter Program. Ms. Hubbell who is the Director of the Office on Children and Youth reviewed several slides of the Youth at Risk in the community. She reported that alcohol use in the area is decreasing, but is still above the national average. Drug use is down and our area is below the national average. Violence in the schools is decreasing probably because of the School Resource Officer in each of the middle and high schools. Senior survey data has indicated more transportation is needed. The Hispanic Survey Data revealed that most Hispanic living in the City and County are from Mexico and almost half of Hispanic survey participants have studied English; however, almost 100% of Hispanic survey participants are either currently taking English classes or are interested in taking English classes. Ms. Hubbell said that the Healthy CommUnity Council will hold a summit on January 24th at the Virginia Mennonite Retirement Community. Many people from industries, government, organizations, and citizens to look at the assets that we need to maintain in our community that help provide us with the high quality of life that we have today. She encouraged Council to attend the summit.

Council Member Fitzgerald requested that the agenda item regarding the report from the Pedestrian Issues Committee be tabled until the next meeting.

Public Works Director Baker presented for Council's consideration a request to adopt a Traffic Calming Programs Manual. Speeding and cut-through traffic has become an increasing concern to City residents and to the government agencies charged with ensuring traffic safety. Excessive speed and cut-through traffic jeopardizes both the safety and liveability of our neighborhoods. The Public Works Department, Harrisonburg Transportation Safety Commission and Police Department have cooperatively implemented a comprehensive Neighborhood Traffic Calming Program, which enlists community residents in helping to solve the speeding problem and improve the residential environment. The program includes the components of educating the public, engineering the streets and roadways, and enforcement of laws and ordinances. This program was developed to address existing City owned streets, as well as streets that are developed as part of future subdivisions. The process will require a significant data collection effort along

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

with an evaluation of various remedies, education, and enforcement. Mr. Baker emphasized that the educational process would be the key to this program. The program will also include collecting data from neighborhoods, understanding what type of traffic the City is dealing with, and if there is really a speeding problem in the City. This program is proposed as a guideline to follow for citizens and City staff. Mr. Baker requested that Council consider this program as a policy for the staff to work with the citizens to provide consistency.

Travis Layman, a resident of 1606 Central Avenue, encouraged the adoption of a traffic-calming program because the City needs some direction to implement steps in the neighborhoods. He requested that the City implement measures that will make Central Avenue safer for pedestrians and motorists.

Sandy Bopp, a resident of 69 Sharon Street, said that she has expressed her concerns regarding the traffic problems with the City Manager, Police Department, and the Public Works Department. She said the residents of the Pleasant Hill area need more sidewalks and improvements need to be made on Central Avenue because of the cut-through traffic.

Weston Campbell, a resident of 74 Middlebrook Street, noted that sidewalks for the safety James Madison University's students were mentioned tonight, but he said, "What about the people who live in the City full-time?" The citizens of Harrisonburg deserve equal consideration as far as safety matters are concerned.

Vice-Mayor Peterson offered a motion that Council resolve to adopt the Traffic Calming Programs Manual. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Assistant City Manager Hodgen presented for Council's consideration a request to purchase the Bahn property. He explained that an agreement in principal had been reached with two owners that will allow the Golf Course Advisory Committee goals to be achieved. He reviewed the financial implications of these agreements, which would result in approximately \$35,200 net new cost to the City. The Golf Course Advisory Committee has recommended the acquisition of the additional property and in support of this effort has been involved in private fund raising efforts which to date has generated approximately \$50,000 in pledges toward the property acquisition. The private fund raising efforts will continue and may further offset costs to the City. He explained that approval is being sought tonight to acquire property from Ken Bahn and

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

David Walsh and to assist in the relocation of Mr. Bahn house. Following further discussion and comments, Council Member Lantz offered a motion that Council resolve to authorize the purchase of this property. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Vice-Mayor Peterson offered a motion that Council resolve to table the agenda item reporting on the cost of the golf course until the next meeting. The motion to resolve was approved with a unanimous vote of Council.

Bucky Berry, a resident of 877 North Main Street, complained about the City plowing his driveway shut during the recent snowstorm. He continued to complain about the deteriorating sidewalks in front of his house.

City Manager Baker announced that he had received a telephone call from Michael Wong, Director of the Harrisonburg Redevelopment and Housing Authority, to schedule a joint meeting with City Council to discuss HRHA interest and involvement in renovations of the Simms Building.

Vice-Mayor Peterson offered a motion that the Council resolve that Orden L. Harman, 650 Stone Spring Road, be appointed to a third term on the Building Code Board of Appeals to expire on November 30, 2006. The motion to resolve was approved with a unanimous vote of Council.

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

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

CITY CLERK

MAYOR

REGULAR MEETING

JANUARY 22, 2002

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 a supplemental appropriation for the Police Department, Rescue Squad Building bonds, construction of a building for the Rescue Squad, School Board and the Public Transportation Department. The motion also included approving a rezoning request by John Monger & Estate of Paul W. Whitmer. 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

Vice-Mayor Peterson requested the unanimous consent of Council to change the agenda by adding a presentation from the Harrisonburg High School Drama Club.

✓ Sara Stevens, a soloist from the cast of Fiddler on the Roof, presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 21-24. City Council was invited to attend any of the performances.

✓ Council Member Fitzgerald presented an overview of a report from the Pedestrian Issues Committee. He explained that the committee had conducted a survey and had received more than 600 responses, comments, suggestions and pleas to improve the situation for pedestrians in Harrisonburg. He also said the survey revealed that many people did not feel safe walking or biking in the City. Mr. Fitzgerald suggested that since the City had included \$50,000 in the current budget to hire a transportation planner, but could not find a qualified candidate, that the money should be used to hire consultants for a transportation study. He also noted that members of the Transportation Safety Commission have agreed to undertake an educational and safety program and James Madison University and Eastern Mennonite University have volunteered help from their communication departments to inform people about pedestrian safety.

Bill Blessing, Chairman of the Harrisonburg Transportation Safety Commission, expressed his appreciation that a committee had been established to conduct an educational and safety program; however, he pointed out that help would be needed from the local media.

Leonard VanWyk, a resident of 1065 South Dogwood Drive, and also a member of the Harrisonburg Transportation Safety Commission, said that between the passing of the revised bicycle plan, traffic-calming program, applications for TEA-21 funding for improvements on Port Republic Road and South Main Street, and the pedestrian issue report there is room for optimism. He said, "Talk might be cheap, but no talk is even cheaper." The report takes a sober look at the City's problems and makes some very reasonable suggestions. He encouraged City Council to pass and support the report.

Some discussion by Council Members relative to the report included postponing funding for the transportation planner position until after July 1st, studying traffic patterns, stoplights, and having a consultant look at pedestrian issues.

Council Member Fitzgerald offered a motion that Council resolve to authorize the Transportation Safety Commission to go forth with planning an educational campaign and present a plan to City Council at a later meeting. The motion also included authorizing the City Manager to request proposals for a study of the pedestrian issues. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented an overview of a report on the cost of the golf course. He explained that the cost of the golf course was \$8 million, which included the cost of the land, City personnel costs, City equipment used, and material, but does not include purchasing the land for the driving range. These expenses are for three fiscal years. The amount paid from the bond proceeds was \$5,823,642.49, which included Turf Drain's contract, construction of the driving range, and construction of the clubhouse. The rest of bond proceeds was \$1,813,266.55 which included architect fees, engineering fees, additional field work, interest payments on the debt, purchasing necessary maintenance equipment, and clubhouse architect design.

Some discussion by Council Members relative to the report included additional cost for purchasing the driving range land, cost for hauling the fill dirt, fiscal or calendar year, revenue received and revenue spent, advertising expense, and monthly totals of City employee's expenses from each department spent on the golf course. Vice-Mayor Peterson requested an updated report annually and questioned how difficult would it be to provide an annual report which would overlay two fiscal years. He said, "I am not expecting it to be kept to the penny, but at least to the \$100." The citizens of the City should know all the expenses. City Manager Baker said that he didn't anticipate any department of the City spending additional money on the golf course. Council Member Fitzgerald said, "We can debate these numbers for a long time. We have been discussing it for three years. The fact is we wound up with a \$6.4 million golf course that cost \$8 million." It is time to reach closure on these numbers.

Vice-Mayor Peterson offered a motion that Council resolve to appoint Mayor Carolyn Frank to the Executive Committee of the Central Shenandoah Planning District Commission to expire on June 30, 2004. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker announced that a joint work session with City Council and the Harrisonburg Redevelopment and Housing Authority will be held January 29, 2002 at 6:00 p.m.

Council Member Fitzgerald offered a motion that Council resolve to adopt the following resolution that the General Assembly approve Our Community Place for tax exempt status. 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

RESOLUTION

WHEREAS, Our Community Place, a Virginia non-profit corporation (hereinafter referred to as "Corporation"), has requested the City Council of the City of Harrisonburg, Virginia to adopt a resolution supporting its request to the General Assembly to designate the property of the Corporation exempt from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia; and

WHEREAS, the City Council of the City of Harrisonburg held a public hearing concerning the request of the Corporation, pursuant to Section 30-19.04 of the Code of Virginia, 1950, as amended, on January 8, 2002; and

WHEREAS, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, the City Council has examined and considered all of the questions as set forth in said section;

NOW, THEREFORE, in compliance with Section 30-19.04 of the Code of Virginia, 1950, as amended, BE IT RESOLVED that the City Council, after examining and considering all of the questions as set forth in the above referenced section, supports the request of the Corporation and recommends to the General Assembly that the Corporation be exempted from taxation with a specific classification of charitable. That the assessed value of all property owned by the Corporation in the City of Harrisonburg for the year 2001 was \$81,600 and the taxes paid to the City for the year 2000 was \$505.92.

ADOPTED AND APPROVED this 22nd day of January, 2002.

MAYOR

Attest:

CLERK OF THE COUNCIL

Warren Dillenbeck, a resident of 1121 South Dogwood Drive, expressed his appreciation to City Manager Baker for preparing the financial analysis of the golf course. It does bring a measure of closure to the whole project. But, he did question whether the City had enough capitalized interest funds available from the bond.

Bucky Berry, a resident of 877 North Main Street, suggested that some of the funding used to prevent vandalism at the golf course could have been used for the Weed and Seed Program.

City Manager Baker read the following letter from Joan Strickler, Executive Director of First Night Harrisonburg.

✓ On behalf of the entire board of directors of *First Night® Harrisonburg 2002*, I want to express our deep appreciation for the excellent cooperation we received from the City in all aspects of planning and coordinating another incident-free and enjoyable New Year's Eve celebration.

It is such a pleasure to work with the members of various City departments in putting this festival together! Over the years we have all gotten used to what is needed and things now seem to go very smoothly. We were also pleased to have the opportunity to work with Brian Shull on the special "Peek into Hardesty House," and hope that our efforts there are of benefit to the City in its request for renovation funds.

In my letter to the editor noting how many ways people donate to our celebration, I took special note of the police, road and engineering, sanitation, transit, fire and emergency crews whose efforts make the whole thing work. The citizens of both the City and County enjoyed themselves and we're very happy that our tenth anniversary came off so well. Thank you for sponsoring us!

✓ Vice-Mayor Peterson offered a motion that the Council resolve that Thomas R. Syre, 1061 Blue Ridge Drive, be appointed to a first term on the Community Services (Chapter 10) Board to expire on July 1, 2004. The motion to resolve was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that the Council resolve that George W. Pace, 503 Fairway Drive, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 2004. The motion to resolve was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that the Council resolve that George Homan, 1241 Alpine Drive, be appointed to a first term on the Blue Ridge Disability Services Board to expire on February 1, 2005. The motion to resolve was approved with a unanimous vote of Council.

✓ Council Member Lantz offered a motion that the Council resolve that Vice-Mayor Peterson, 1822 Smithland Road, be appointed to a first term on the Rockingham Extension

Leadership Council, to expire on January 1, 2004. The motion to resolve was approved with a unanimous vote of Council.

Cheryl Talley reminded everyone of the upcoming Healthy CommUnity Council Summit to be held on January 24th at the Virginia Mennonite Retirement Community.

At 8:35 p.m., there being no further business and on motion adopted the meeting was adjourned.


CITY CLERK


MAYOR

MINUTES - JOINT MEETING OF CITY COUNCIL & PLANNING COMMISSION - FEBRUARY 12, 2002

JOINT MEETING OF CITY COUNCIL

AND PLANNING COMMISSION

FEBRUARY 12, 2002

At a joint meeting of City Council and Planning Commission held this evening at 6:30 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 a supplemental appropriation for the Police Department, Rescue Squad Building bonds, construction of a building for the Rescue Squad, School Board and the Public Transportation Department. The motion also included approving a rezoning request by John Monger & Estate of Paul W. Whitmer. 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

Vice-Mayor Peterson requested the unanimous consent of Council to change the agenda by adding a presentation from the Harrisonburg High School Drama Club.

MINUTES - JOINT MEETING OF CITY COUNCIL & PLANNING COMMISSION - FEBRUARY 12, 2002

Sara Stevens, a soloist from the cast of Fiddler on the Roof, presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 21-24. City Council was invited to attend any of the performances.

Council Member Fitzgerald presented an overview of a report from the Pedestrian Issues Committee. He explained that the committee had conducted a survey and had received more than 600 responses, comments, suggestions and pleas to improve the situation for pedestrians in Harrisonburg. He also said the survey revealed that many people did not feel safe walking or biking in the City. Mr. Fitzgerald suggested that since the City had included \$50,000 in the current budget to hire a transportation planner, but could not find a qualified candidate, that the money should be used to hire consultants for a transportation study. He also noted that members of the Transportation Safety Commission have agreed to undertake an educational and safety program and James Madison University and Eastern Mennonite University have volunteered help from their communication departments to inform people about pedestrian safety.

Bill Blessing, Chairman of the Harrisonburg Transportation Safety Commission, expressed his appreciation that a committee had been established to conduct an educational and safety program; however, he pointed out that help would be needed from the local media.

Leonard VanWyk, a resident of 1065 South Dogwood Drive, and also a member of the Harrisonburg Transportation Safety Commission, said that between the passing of the revised bicycle plan, traffic-calming program, applications for TEA-21 funding for improvements on Port Republic Road and South Main Street, and the pedestrian issue report there is room for optimism. He said, "Talk might be cheap, but no talk is even cheaper." The report takes a sober look at the City's problems and makes some very reasonable suggestions. He encouraged City Council to pass and support the report.

Some discussion by Council Members relative to the report included postponing funding for the transportation planner position until after July 1st, studying traffic patterns, stoplights, and having a consultant look at pedestrian issues.

Council Member Fitzgerald offered a motion that Council resolve to authorize the Transportation Safety Commission to go forth with planning an educational campaign and present a plan to City Council at a later meeting. The motion also included authorizing the City Manager to request proposals for a study of the pedestrian issues. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented an overview of a report on the cost of the golf course. He explained that the cost of the golf course was \$8 million, which included the cost of the land, City personnel costs, City equipment used, and material, but does not include purchasing the land for the driving range. These expenses are for three fiscal years. The amount paid from the bond proceeds was \$5,823,642.49, which included Turf Drain's contract, construction of the driving range, and construction of the clubhouse. The rest of bond

MINUTES - JOINT MEETING OF CITY COUNCIL & PLANNING COMMISSION - FEBRUARY 12, 2002

proceeds was \$1,813,266.55 which included architect fees, engineering fees, additional field work, interest payments on the debt, purchasing necessary maintenance equipment, and clubhouse architect design.

Some discussion by Council Members relative to the report included additional cost for purchasing the driving range land, cost for hauling the fill dirt, fiscal or calendar year, revenue received and revenue spent, advertising expense, and monthly totals of City employee s expenses from each department spent on the golf course. Vice-Mayor Peterson requested an updated report annually and questioned how difficult would it be to provide an annual report which would overlay two fiscal years. He said, I am not expecting it to be kept to the penny, but at least to the \$100. The citizens of the City should know all the expenses. City Manager Baker said that he didn t anticipate any department of the City spending additional money on the golf course. Council Member Fitzgerald said, We can debate these numbers for a long time. We have been discussing it for three years. The fact is we wound up with a \$6.4 million golf course that cost \$8 million. It is time to reach closure on these numbers.

Vice-Mayor Peterson offered a motion that Council resolve to appoint Mayor Carolyn Frank to the Executive Committee of the Central Shenandoah Planning District Commission to expire on June 30, 2004. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker announced that a joint work session with City Council and the Harrisonburg Redevelopment and Housing Authority will be held January 29, 2002 at 6:00 p.m.

Council Member Fitzgerald offered a motion that Council resolve to adopt the following resolution that the General Assembly approve Our Community Place for tax exempt status. 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

RESOLUTION

WHEREAS, Our Community Place, a Virginia non-profit corporation (hereinafter referred to as Corporation), has requested the City Council of the City of Harrisonburg, Virginia to adopt a resolution supporting its request to the General Assembly to designate the property of the Corporation exempt from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia; and

WHEREAS, the City Council of the City of Harrisonburg held a public hearing concerning the request of the Corporation, pursuant to Section 30-19.04 of the Code of Virginia, 1950, as amended, on January 8, 2002; and

WHEREAS, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, the City Council has examined and considered all of the questions as set forth in said section;

NOW, THEREFORE, in compliance with Section 30-19.04 of the Code of Virginia, 1950, as amended, BE IT RESOLVED that the City Council, after examining and considering all of the questions as set forth in the above referenced section, supports the request of the Corporation and recommends to the General Assembly that the Corporation be exempted from taxation with a specific classification of charitable. That the assessed value of all property owned by the Corporation in the City of Harrisonburg for the year 2001 was \$81,600 and the taxes paid to the City for the year 2000 was \$505.92.

ADOPTED AND APPROVED this 22nd day of January, 2002.

MAYOR

Attest:

CLERK OF THE COUNCIL

Warren Dillenbeck, a resident of 1121 South Dogwood Drive, expressed his appreciation to City Manager Baker for preparing the financial analysis of the golf course. It does bring a measure of closure to the whole project. But, he did question whether the City had enough capitalized interest funds available from the bond.

Bucky Berry, a resident of 877 North Main Street, suggested that some of the funding used to prevent vandalism at the golf course could have been used for the Weed and Seed Program.

City Manager Baker read the following letter from Joan Strickler, Executive Director of First Night Harrisonburg.

On behalf of the entire board of directors of *First Night® Harrisonburg 2002*, I want to express our deep appreciation for the excellent cooperation we received from the City in all aspects of planning and coordinating another incident-free and enjoyable New Year's Eve celebration.

It is such a pleasure to work with the members of various City departments in putting this festival together! Over the years we have all gotten used to what is needed and things now seem to go very smoothly. We were also pleased to have the opportunity to work with Brian Shull on the special Peek into Hardesty House, and hope that our efforts there are of benefit to the City in its request for renovation funds.

In my letter to the editor noting how many ways people donate to our celebration, I took special note of the police, road and engineering, sanitation, transit, fire and emergency crews whose efforts make the whole thing work. The citizens of both the City and County enjoyed themselves and we're very happy that our tenth anniversary came off so well. Thank you for sponsoring us!

Vice-Mayor Peterson offered a motion that the Council resolve that Thomas R. Syre, 1061 Blue Ridge Drive, be appointed to a first term on the Community Services (Chapter 10) Board to expire on July 1, 2004. The motion to resolve was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that the Council resolve that George W. Pace, 503 Fairway Drive, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 2004. The motion to resolve was approved with a unanimous vote of Council.

MINUTES - JOINT MEETING OF CITY COUNCIL & PLANNING COMMISSION - FEBRUARY 12, 2002

Vice-Mayor Peterson offered a motion that the Council resolve that George Homan, 1241 Alpine Drive, be appointed to a first term on the Blue Ridge Disability Services Board to expire on February 1, 2005. The motion to resolve was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that the Council resolve that Vice-Mayor Peterson, 1822 Smithland Road, to a first term on the Rockingham Extension Leadership Council, to expire on January 1, 2004.

Cheryl Talley reminded everyone of the upcoming Healthy Community Council Summit to be held on January 24th at the Virginia Mennonite Retirement Community.

At 8:35 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Assistant City Manager
Public Library

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

REGULAR MEETING

FEBRUARY 12, 2002

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.

Council Member Lantz delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Vice-Mayor Peterson requested the unanimous consent of Council to change the agenda by adding a report by Jo Ann Anderson concerning the Weed and Seed Program.

City Manager Baker presented a request for a supplemental appropriation to purchase the Harrison Plaza. He explained that City Council had authorized the transfer of \$3,760,000 from the General Fund unappropriated balance to the General Capital Fund (public safety building). This money will be used to

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

purchase the Harrison Plaza. The General Fund will be reimbursed later this spring when a bond issue is done to fund this project.

At 7:36 p.m., Mayor Frank closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, February 6, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, February 12, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$3,786,521.00 in order to appropriate funds for the following:

General Fund:

Parks and Recreation-Maintenance, repairs, & supplies	\$
11,771.00	

General Capital Projects Fund:

Harrison Plaza	3,760,000.00
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Parking Authority Fund:

Motor vehicle & equipment	<u>14,750.00</u>
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Total	<u>\$3,786,521.00</u>
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Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation to purchase Harrison Plaza be approved for a first reading, and that:

\$3,760,000 chge. to: 1000-31010 Amount from fund balance

\$3,760,000 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$3,760,000 chge. to: 1310-34210 Transfer from General Fund

\$3,760,000 approp. to: 1310-910141-486016 Public Safety Building

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

City Manager Baker presented a request for a supplemental appropriation for the Parks and Recreation Department. He explained that a portion of the funds received from VML insurance will be used to repair

Parks and Recreation-Maintenance, repairs, & supplies \$ 11,771.00 3

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

playground equipment at Ralph Sampson Park. The remainder of the funds will be used for repairs at the soccer fields.

At 7:39 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 Wednesday, February 6, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, February 12, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$3,786,521.00 in order to appropriate funds for the following:

General Fund:

Parks and Recreation-Maintenance, repairs, & supplies	\$
11,771.00	

General Capital Projects Fund:

Harrison Plaza	3,760,000.00
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Parking Authority Fund:

Motor vehicle & equipment	<u>14,750.00</u>
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Total	<u>\$3,786,521.00</u>
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Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

Parks and Recreation-Maintenance, repairs, & supplies	\$	11,771.00
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CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this supplemental appropriation.

There being no one desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for the Parks and Recreation Department for a first reading, and that:

\$10,551.00 chge. to: 1000-34011 Insurance Recovery

1,220.00 chge. to: 1000-31901 Recoveries & Rebates

\$10,551.00 approp. to: 1000-710171-43360 Maintenance & Repairs

Building & Grounds

1,220.00 approp. to: 1000-710171-46132 Ed/Rec. Supplies-Athletics

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - None

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

City Manager Baker presented a request for a supplemental appropriation for the Parking Authority. He explained that the Parking Authority has requested a transfer of these funds to purchase a car for the Meter Maid who writes parking tickets.

At 7:41 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 Wednesday, February 6, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, February 12, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$3,786,521.00 in order to appropriate funds for the following:

General Fund:

Parks and Recreation-Maintenance, repairs, & supplies	\$
11,771.00	

General Capital Projects Fund:

Harrison Plaza	3,760,000.00
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Parking Authority Fund:

Motor vehicle & equipment	<u>14,750.00</u>
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Total	<u>\$3,786,521.00</u>
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Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

Parks and Recreation-Maintenance, repairs, & supplies	\$	11,771.00
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CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this supplemental appropriation.

There being no one desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for the Parking Authority for a first reading, and that:

\$14,750.00 chge. to: 2015-31010 Amount from fund balance

\$14,750.00 approp. to: 2015-410641-48151 Motor Vehicles and Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by G.C. LLC, for a special use permit to allow an education/institutional use, which does not provide housing facilities (per Section 10-3-97 (9) within the M-1, General Industrial District. She said that the property is located at 110 Grace Street. The Whitesel Seed Building on Grace Street has sat vacant for several years with no use other than possibly being used for storage. Commercial activity in this area has increased over a more intense industrial use. Mrs. Turner reviewed the surrounding uses in the area. A letter submitted by the owner's representative, states that the Art Department of James Madison University (JMU) intends to lease the

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

building for their art classes. The building is to be divided into eight JMU Art Department lab classrooms, with 2,400 square feet on the northern end of the building being used for storage space R.S. Monger & Sons. The building, parking lot, and surrounding parcels are within the special flood hazard areas. The property owner has included a site plan showing that the site will have 46 regular parking spaces and 10 compact car parking spaces for a total of 56 spaces. This exceeds the parking requirements for the uses. In addition, the owner will be required to clearly mark the compact car spaces, using vertical signage, with the wording

Compact Cars Only. She said that Staff does recommend approval of the special use permit to allow an educational institutional use, which does not provide housing with the following conditions: 1) The property owner place signs at the parking lot entrances stating that the parking lot and building are within the floodplain. 2) The property owner place adequate lighting in the parking lot to accommodate the use. 3) The special use permit shall remain valid for only the period of time JMU occupies the site. If JMU leaves the site, the parcel will revert to the current zoning the area. 4) The compact parking spaces be marked as required in Article G. Off-Street Parking, Section 10-3-25 (1) of the Zoning Ordinance. She said that Planning Commission recommended approval.

At 7:45 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, January 28, and Monday, February 4, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, February 12, 2002, at 7:30 p.m. in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Consider a request, by G.C. LLC with owner s representative J.B. Rhodenizer, for a special use permit to allow for educational/institutional uses which do not provide housing facilities (per Section 10-3-97 (9) of the Zoning Ordinance) within the M-1, General Industrial District. The property is identified as tax map parcel 25-H-1B (1.184 acres) and is located at 110 Grace Street.

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 these public hearings

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

Any individual requiring auxiliary aids, including signers, in connection with the public hearings 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 present desiring to speak for or against this special use permit.

There being no one desiring to be heard, the public hearing was closed at 7:46 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve this special use permit.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Abstained Council Member Fitzgerald

Absent - None

Planning and Community Development Director Turner introduced a request by Thomas and Sherry Emerson for a special use permit. She said that this was a request for a special use permit to occupancy of no more than four persons within the R-2, Residential District for a single dwelling unit. The property is located at 156 Maryland Avenue. This property is currently zoned R-2, which allows the property to be rented to only two persons. The Comprehensive Plan's Land Use Guide classifies this area as neighborhood residential. These are older neighborhoods that can be characterized by large housing units on small lots. The intent is to provide flexibility in the use of a dwelling while protecting the single-family character of the area, including special uses where appropriate. Mrs. Turner reviewed the surrounding use in the area. The Emersons have made improvements on the house to enhance both the interior and exterior of the structure. They also plan to

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

make additional improvements in the future including further landscaping of the property. The neighborhood is comprised mainly of single-family homes. There is an almost even mix of owner occupied and rental properties. She said that Staff does not recommend granting the special use permit. It is the opinion of the Planning Staff that high-density properties in this area are not in the best interest of the neighborhood. She said that if City Council decided to grant approval there are conditions attached to the special use permit including off-street parking spaces, inspecting the property on an annual bases, a provision that the Zoning Administrator should revoke the permit if this application does not take place every 12 months, staff would review complaints on an on-going basis and that the permit should automatically expire one year from the date of City Council approval. She said that Planning Commission recommended denying the special use request.

At 7:57 p.m., Mayor Frank closed the regular session temporarily and called the evening s fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 28, and Monday, February 4, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, February 12, 2002, at 7:30 p.m. in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Consider a request, by Thomas and Sherry Emerson, for a special use permit to allow occupancy of no more than four persons (per Section 10-3-40 (7) of the Zoning Ordinance) within the R-2, Residential District for a single dwelling unit. The property is identified as tax map parcel 24-0-10 (11,227 sq. ft.) and is located at 156 Maryland Avenue.

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.

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

CITY OF HARRISONBURG

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

Roger D. Baker

City Manager

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

Sherry Emerson, owner of the property, but listing her permanent address as 130 Haulf Road, Weyers Cave, said that her property had been in her family for 40 years. Sherry and Thomas Emerson purchased the home from the estate of her great aunt this past summer. She said that she and her husband did care about the neighborhood and have attempted to address all of the issues that were brought up at the January 9th Planning Commission meeting. She has talked to many people in the neighborhood and has tried to provide a compromise to resolve concerns in a fair manner to everyone in the neighborhood. The issue of noise and parties is strictly addressed in the lease. She pointed out that the house has four off-street parking areas, as well as three adjoining on-street parking spaces. She had been interested in amending the permit to specifically prohibit students, but understands that such a clause would be discriminatory and would not be allowed. The annual review included in the permit would be a safety net protecting the neighborhood. Mrs. Emerson reviewed her lease as requested by City Attorney Miller. She also promised that the same problems would not happen at her property. She said, It s a one-year permit. It can be reviewed and revoked if we re not in compliance. We do care about the neighborhood.

Robert Bates a friend of the Emerson s as well as their bankers who helped to finance the property, questioned if her inheritance state didn t qualify the property to be grand fathered under the R-2 existing zoning ordinances.

Mary Neff, a resident living at 165 Maryland Avenue, read a statement, which was presented at the Planning Commission meeting. She said that several property owners in the neighborhood had petitioned the Harrisonburg Planning Commission not to consider the Special Use Permit for the property located at 156 Maryland Avenue, owned by Thomas and Sherry Everson, from two people to not more than four. She explained that the residents reasons included three houses on the block having four plus college students, parking problems, students parking in yards, parking on other people s property, parking on and over sidewalks, and it eliminates homeowners parking in front of their houses. She also noted that children walking to Keister School have to walk out in the street to get by the cars, as well as people walking in that area. Roosevelt Street is not wide enough to have parking on both sides of the street. Cars and emergency vehicles cannot get down the street with cars parked on both sides. Property owners cannot get into or park in front of their homes. Loud parties disturb the property owners until all hours of the night and early morning. She noted that this use to be a quiet neighborhood with retired people and young families with children. Since there is a problem now adding another property with multiple students could make it impossible for property owners to live a normal life. The neighborhood looks like a disaster area. Mrs. Neff stated that they have lived in their home for 47 years. She stated that the neighborhood use to be good for families, partly due to the proximity to Keister School; however, with the constant college student parties, parking becomes a problem, and the students linger in the street, causing a hazard.

Jack Neff, a resident living at 165 Maryland Avenue, said that he has lived in Harrisonburg for 47 years. Mr. Neff spoke fondly of raising three children in his neighborhood, but fears that the student rentals are negatively impacting the community. He said that when he had a complaint dealing with the students, he calls the landlord, not the police. He said that college students did not have any respect for homeowners living on Maryland Avenue and Roosevelt Street. He said that he had to purchase earplugs so he can go to sleep at night because sometimes there are as many as 150 students attending a party on the street. Mr. Neff believes people are moving out of Harrisonburg because they do not want to be surrounded by college students. He

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

expressed skepticism that if the special use permit was approved, that conditions at the property would be sufficiently monitored.

Randy Coffman, a resident living at 750 Roosevelt Street, pointed out that the Planning Commission voted unanimously to deny the request and he encouraged City Council also to deny the special use permit.

Tom Albrite, a resident living at 146 Maryland Avenue, said that he has lived at his residence for approximately 49 years. He said that his street has a lot of overflow parking because of the parties being held on Roosevelt Street. He mentioned a party in the neighborhood in the spring of 2001, where the marijuana odor was so strong that it was difficult to breathe in the area. He has collected assorted trash and beer cans from the parties. He notes that the lawn of his property has been used as a bathroom, and that he has stepped in human waste. Complaining to the police about loud parties and parking problems is of limited effectiveness.

Jo Ann Wingfield, said that she had lived in the neighborhood because of its closeness to Keister Elementary School and it had been a nice place to raise a family. She said that her family is grown now and her elderly Mother lives in the house. She said that since student rental property is so close to her property she has had to pick up beer cans, assorted trash, forced to listen to loud music and deal with parking problems. She asked City Council not to grant the special use permit.

Dennis Wingfield, said that he had all the empathy in the world for the Council Members. He said that he served on the Rappahannock School Board for four years and he thought some of the session would never end. He said, Your facial expressions are something to see and sometimes they are a dead give away. For every thing there is a time and a place and my backyard is not the place for beer cans.

Barry Suttles, a resident living at 149 Maryland Avenue, said that he has lived in the neighborhood for seven years and is trying to raise a family. There are too many beer cans in their front yards, loud parties, and children walking in the streets going to school. He said that he opposed the special use permit.

Fred Garst, a resident living at 157 Maryland, said that he has lived in the neighborhood for 16 years. He said up to five years ago, his family had enjoyed a peaceful life and he objected to granting the special use permit.

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 Lantz commented that of the 14,000 plus JMU students, there will always be some problems tenants. The best of intentions will not change that. He also said that he admired Mrs. Emerson courage to appear before City Council facing the many residents of the neighborhood opposing the special use permit. He also said that he had not heard or seen anything that would tell him this was a special situation requiring a special use permit.

Following further comments and discussion, Council Member Rogers offered a motion that Council resolve to deny this request for a special use permit.

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Jo Ann Anderson presented an overview of the Weed and Seed Program. She said that in October 2001, the Weed and Seed office moved into the Simms Police Substation. The Police Department is aggressively implementing the weed and seed strategy within the target area that lies within the City. The department has designated two Police Officers to work solely with weed and seed in addition to the regular patrol officers. The Police Officers have been doing outstanding work and their commitment to the community program is oblivious. Weekly meetings are held to discuss various issues regarding both enforcement and community policing issues. A personal achievement award is being developed to hand out to residents who have had major personal accomplishments in their lives. The commitment to the community has been overwhelming and many different agencies have come together to collaborate. Federal, state and local criminal justice agencies have come together to begin weeding the target area. There is no quick fix to the problem; however, it has been successful to date. She reviewed various grants, which have been received by the program. She noted that both local governments were involved in the Community Oriented Government Training. This training explores the unique role each agency has in the crime prevention and enforcement and how to best coordinate efforts in the area to provide residents with a safe environment. Between the grant funding, support of the local government, and commitment from many different agencies and residents the program is moving forward.

Ted Cole and David Rose with Davenport and Company, LLC. presented an overview of the City's financial position. Ted Cole reviewed the City's existing debt prior to the high school debt issuance. He said that the report included graphics reviewing general fund debt from 2002 through 2030, which included enterprise fund debt, and all debt associated with the school fund. The major projects include rebuilding the trash-burning steam plant (200 ton), purchasing and renovating Harrison Plaza, upgrading the City's water plant, and building a pipeline to bring water from the Shenandoah River's South Fork into the City's water supply for a combined \$51,650,000. The overall goals and objectives include minimize or avoiding any potential real estate tax increases resulting from capital funding, maintain maximum future flexibility, restructuring new debt, future new projects, and minimize strain on General Fund and maintaining credit standing of the City. He said his company tried to identify various streams of revenue to offset the debt and to layer in the new debt for the new projects to minimize any impact on a cash flow basis. He reviewed the steam plant project a \$23,000,000 project with construction to begin in the summer of 2002 with completion

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

in the summer of 2004. He mentioned that the agreement with James Madison University guarantees Harrisonburg that the university will purchase 336,000,000 pounds of steam at \$5.23 per pound or (approximately \$1.7 million). It is a conservative minimum because the historical usage has been above this figure. The Harrison Plaza is a \$5,650,000 project with renovation to begin in March 2002 and completed in March 2003. The funding includes building acquisition and renovations. The approach used for the Harrison Plaza project includes provide the City general obligation to minimize the cost of 15 year borrowing, capitalize 12 months of interest during renovation period, use \$900,000 of available funds to reduce borrowing, create a dedicated capital reserve fund with balance of available funds, use capital reserve to strategically reduce annual debt service in fiscal years 2003-2008, and utilize City funds to purchase property and reimburse the City in full with bond proceeds. The water system project goals and objectives includes providing funding as needed based on estimated construction cash flow, if possible, avoid any water rate increases, enhance the financial integrity of the water enterprise fund, target a fund balance at approximately 100% of annual revenues, maintain a minimum debt service coverage, and establish a policy of debt service coverage which recognizes available fund balances. Mr. Cole and Mr. Rose suggested that after looking at all of the general tax supported projects it needs the equivalent of a three-cent real estate increase to pay for these projects. However, they pointed out that the City must choose the method of raising the needed money. Mr. Rose reviewed the financing timetable.

Council Member Rogers commented that the City has options available apart from increasing its real estate tax, such as increasing the meals tax.

Council Member Lantz commented that the City must first look at new revenue already coming into its coffers from economic development. He said, "We don't know what the economy and what the revenue sources hold for the City. Once we see that and we're coming up short, then we may have no choice but an increase in the real estate tax, or the meals tax, or some other revenue source."

Council Members agreed to authorize the City Manager to proceed with the recommendations by the financial advisors as presented.

Planning and Community Development Director Turner presented for Council's consideration amending the sign ordinance. She explained that amendments to the sign ordinance would allow freestanding pylon signs for all uses within a shopping center that contains multiple parcels. Current regulations pose a problem for shopping centers with multiple parcels as advertising is only permitted for the use upon which the sign is located. Vice-Mayor Peterson offered a motion that Council resolve to approve amending the sign ordinance for a first reading:

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Parks and Recreation-Maintenance, repairs, & supplies \$ 11,771.00 14

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Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

City Manager Baker explained that City Council had adopted a resolution for the Shenandoah Valley Partnership on September 25, 2001. However, that resolution referred to an incorrect state code. This resolution would correct that mistake.

RESOLUTION

TO DESIGNATE THE SHENANDOAH VALLEY PARTNERSHIP AS THE REGION S PARTNERSHIP UNDER THE VIRGINIA REGIONAL COMPETITIVENESS ACT AND TO DISTRIBUTE REGIONAL COMPETITIVENESS PROGRAM INVESTMENTS

WHEREAS, Section 15.2-1306 through Section 15.2-1310, Code of Virginia, as amended, permits counties, cities, and towns within the Central Shenandoah Planning District to establish a regional partnership for the purpose of encouraging local governments to exercise the options provided by law to work together for their mutual benefit and the benefit of the Commonwealth (known as the Regional Competitiveness Act); and

WHEREAS, the Central Shenandoah Planning District Commission coordinated with the Shenandoah Valley Partnership and local governments of the Central Shenandoah Valley Region in FY1997 to designate the Shenandoah Valley Partnership as the region s partnership under the Regional Competitiveness Act; and

WHEREAS, the Shenandoah Valley Partnership was selected as one of the original seven partnerships to qualify for the Regional Competitiveness Program, resulting in approximately \$1,800,000 in investments from the Commonwealth from October 1997 to October 2001, and

WHEREAS, the Shenandoah Valley Partnership created the Strategic Planning and Research Committee to provide review and recommendations to the Executive Committee and Board of Directors to ensure implementation of the Regional Competitiveness Program consistent with the

Regional Competitiveness Act guidelines; and

WHEREAS, the Central Shenandoah Planning District Commission coordinated with the Shenandoah Valley Partnership to facilitate a strategic planning process in accordance with provisions of the Regional Competitiveness Act in 1997 and again in 2000; and

WHEREAS, the resulting Regional Strategic Initiatives have been endorsed by 62 organizations, including all ten local governing bodies that make up the Central Shenandoah Valley Region; and

WHEREAS, the Shenandoah Valley Partnership unanimously adopted the Central Shenandoah Valley Region's Strategic Plan for Economic Competitiveness, as amended, on October 26, 2001; and

WHEREAS, the guidelines for re-qualification and continued participation in Virginia's Regional Competitiveness Program require that participating local governments within the region adopt a resolution of participation and approve distribution of funds received;

NOW, THEREFORE, BE IT RESOLVED THAT the City of Harrisonburg again agrees to designate the Shenandoah Valley Partnership as the regional competitiveness partnership under the provisions of the 1996 Regional Competitiveness Act, in conjunction with the other participating member governments in the Central Shenandoah Planning District; and

BE IT FURTHER RESOLVED THAT the City of Harrisonburg directs its portion of Regional Competitiveness Act funds to the Shenandoah Valley Partnership, Inc., JMU-MSC 4003, Suite 110, 891 Modular Hill Lane, Harrisonburg, VA 22807.

Date

Mayor

ATTEST:

Clerk of the City Council

Vice-Mayor Peterson offered a motion that the Council resolve to adopt the corrected resolution. The motion to resolve was approved with a unanimous vote of Council.

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

Form of Ordinance

Approving Joint Powers Association Agreement

WHEREAS, the VML/VACo Virginia Power Steering Committee (the Committee), composed of representatives of the City of Harrisonburg and other local governments and political subdivisions of the Commonwealth, has for over several decades negotiated on behalf of such governmental units a standard form contract for their purchase of electricity supply and delivery service from Virginia Electric and Power Company (Virginia Power) as a sole source provider; and

WHEREAS, political subdivisions of the Commonwealth of Virginia are authorized under Virginia law to exercise jointly powers that they otherwise are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Section 15.2-1300, et seq. of the Virginia Code (the Joint Powers Act); and

WHEREAS, the Virginia Electric Utility Restructuring Act (the Restructuring Act) further authorizes municipalities and other political subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, and the Restructuring Act provides that such aggregation shall not require licensure; and

WHEREAS, the Virginia Public Procurement Act (the Procurement Act) exempts from its competitive sealed bidding and competitive negotiation requirements (the Requirements) the joint procurement by public bodies, utilizing competitive principles, of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and

WHEREAS, the Committee recommends that the aggregation and procurement of electric supply, electric delivery, and other energy-related services (Energy Services) be effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and made part of this Ordinance (the Joint Powers Agreement), in accordance with applicable provisions of the

Procurement Act, such as the utilization of competitive principles pursuant to an exemption from the Requirements; and

WHEREAS, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers Agreement, with such services consisting of (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities, (ii) education of members regarding electricity procurement issues, (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to local governments, and (iv) hiring of consultants and legal counsel to assist in its provisions of the foregoing services (Steering Committee Services).

WHEREAS, it appearing to the City Council of the City of Harrisonburg that the joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of the City of Harrisonburg.

NOW, THEREFORE, BE IT HEREBY ORDAINED that:

- (1) Competitive sealed bidding and competitive negotiation for the procurement of Energy Services are not fiscally advantageous to the public because the procurement process for Energy Services must be flexible enough to respond to quickly changing market conditions in which energy prices can fluctuate considerably on a daily or even hourly basis.**
- (2) The aggregation and joint procurement of the Energy Services pursuant to the Joint Powers Agreement is hereby approved.**
- (3) The provision of Steering Committee Services pursuant to the Joint Powers Agreement is hereby approved.**
- (4) The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of the City of Harrisonburg are hereby authorized and approved.**
- (5) The City Manager is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of the City of Harrisonburg in substantially the form presented to this meeting.**
- (6) The payment obligations of the City of Harrisonburg pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds therefor by the Harrisonburg City Council.**
- (7) This Ordinance shall take effect immediately upon its adoption or passage.**

Date

Mayor

Attest:

Clerk of the City Council

City Manager Baker explained that in the past, the Virginia Municipal League negotiated with VEPCO on behalf of its members, in an effort to get reduced rates. VML and VACO are forming a new association to take over those functions historically provided by VML/VACO Virginia Power Steering Committee. This action will not affect the electric rates in the City of Harrisonburg, which are negotiated by Harrisonburg Electric Commission. Council Member Lantz offered a motion that the Council resolve to adopt the ordinance.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA,
APPROVING THE REISSUANCE AND REFUNDING OF AN INDUSTRIAL DEVELOPMENT**

Clerk of the City Council

AUTHORITY REVENUE BOND BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF HARRISONBURG, VIRGINIA, FOR THE BENEFIT OF REAL ESTATE, L.C.

WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Virginia (the "Authority"), has considered the request of Real Estate, L.C. and Shenandoah Manufacturing Company, Inc., as lessee (the "Company") for the reissuance and refunding of the outstanding balance of the Industrial Development Authority of the City of Harrisonburg, Virginia, Industrial Revenue Bond (Real Estate, L.C. Project), Series 1995, issued previously on July 24, 1995, in the original principal amount of \$1,800,000 (the 1995 Bond);

WHEREAS, the Authority issues its bonds on behalf of the City of Harrisonburg, Virginia (the "City");

WHEREAS, the City Council of the City (the "Council") constitutes the highest elected governmental unit of the City;

WHEREAS, a copy of the Fiscal Impact Statement and the Authority's authorizing resolution approved on February 5, 2002 (the "Authorizing Resolution"), all undertaken in connection with the substantial modifications to the collateral and security for the 1995 Bond which have necessitated the reissuance and refunding thereof, have been filed with the City Council.

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

1. To the extent required by law, if any, the City Council hereby concurs with the Authorizing Resolution presented by the Authority, and approves the reissuance and refunding of the 1995 Bond by the Authority for the benefit of the Company, as such plan of reissuance and refunding is further described in the Authorizing Resolution.

2. It is to be understood that this approval by the City Council shall not constitute an endorsement to any prospective purchaser thereof, or the creditworthiness of the Company, or any other matter in connection with the 1995 Bond.

3. Further, it is to be understood that the 1995 Bond specifically provides that it shall not be deemed to constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth of

Virginia, or any political subdivision thereof, including the Authority and the City, and neither the Authority nor any other political subdivision is obligated to pay the principal of, premium, if any, or interest on the 1995 Bond or other costs incident thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority and the City, is pledged for the payment of principal or premium, if any, or interest on the 1995 Bond or other costs incident thereto.

This Resolution will take effect immediately upon its adoption.

Adopted: February 12, 2002

Mayor, City of Harrisonburg, Virginia

CERTIFICATE

-
The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution entitled, "Resolution Of The City Council Of The City of Harrisonburg, Virginia, Approving The Reissuance And Refunding Of An Industrial Development Authority Revenue Bond By The Industrial Development Authority Of The City of Harrisonburg, Virginia, For the Benefit of Real Estate, L.C." adopted by the City Council at a regular meeting duly held and called on February 12, 2002. A record of the roll call vote by the Council is as follows:

NAME	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			

February 12, 2002

Date

[SEAL]

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

Carolyn Perry, attorney with the law firm of Wharton, Aldhizer & Weaver, and the representing the Harrisonburg Industrial Development Authority, explained that the Industrial Development Authority approved the reissuance and refunding of a 1995 bond for the benefit of real estate including Shenandoah Manufacturing Company, Inc., as lessee. The Harrisonburg Industrial Development Authority has conducted a public hearing on the proposed plan of financing the project. Approval of this resolution does not obligate the City in anyway nor does it count against the City's bond capacity. Council Member Lantz offered a motion that the Council resolve to approve reissuing this bond. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent None

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

Council Member Fitzgerald requested that the agenda item regarding the formation of a charter committee be tabled until the next meeting.

PROJECT PROGRAMMING RESOLUTION

RAIL/HIGHWAY GRADE CROSSING PROJECTS

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

THEREFORE BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish projects for the improvement of grade crossing safety in the City of Harrisonburg at South Avenue (DOT 84224IN) flashing lights, gates and interconnect; Liberty Street (DOT 714603W) flashing lights, gates and rubber surface.

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

Adopted this 12th day of February 2002.

City of Harrisonburg, Virginia

MAYOR

Attest:

CLERK OF COUNCIL

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 12, 2002

Bucky Berry, a resident of 877 North Main Street, complained about the Police Department not having enough funding for additional police officers.

At 10:10 p.m., Vice-Mayor Peterson offered a motion that the Council resolve to enter a closed session for the discussion of matters related to the acquisition real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the Code).

At 10:50 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

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

REGULAR MEETING

FEBRUARY 26, 2002

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.

Council Member Rogers delivered the invocation and Mayor Frank 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 supplemental appropriations for the Parks and Recreation Department, Parking Authority, and purchase of Harrison Plaza. The motion also included approving the second reading amending and re-enacting Section 11-5-6 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

At 7:35 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 9, and Saturday, February 23, 2002.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is currently preparing its annual grant application for Operating and Capital Funds for FY 02-03. This application is for Federal and State funds under the Federal Transit Administration 49 USC Section 5311.

A public hearing for this application will be held on Tuesday, February 26, 2002, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 25, 2002 at 540-432-0492; or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.

Transportation Director Smith explained that this is the annual application for state and federal funds including capital funds for fiscal year 2002-2003. The application funds include state formula assistance, state capital assistance, federal operating assistance, and federal technical assistance, and a pedestrian safety study. He also said that some of the funds will be used to purchase two low floor transit buses. Mr. Smith reviewed the application process for receiving the grants including the capital assistance. Assistant City Manager Hodgen pointed out that this application also includes a request for \$45,000, which if funded, would match the money the City has available to spend on the transportation and traffic study consultant. Mr. Hodgen acknowledged and thanked Mr. Smith for bringing this information to his attention. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve to approve this application for state and federal funds. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

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Planning and Community Development Director Turner presented for Council's consideration adopting a comprehensive sign plan for the Harrisonburg Crossing Shopping Center. She explained that the newly amended ordinance Section 11-5-6 of the Harrisonburg City Code would allow freestanding pylon signs for all uses within a shopping center that contains multiple parcels. The three proposed signs would be placed along Burgess Road frontage, Reservoir Street frontage and Interstate-81 frontage. The monument sign located at the Burgess Road entrance is the shortest of the three, only reaching 20 feet in height with a body width of 20 feet. The sign has a total sign face area of 235 square feet and is the smallest of the three signs. The sign is fully enclosed from the top to the bottom in skirting. The pylon sign on Reservoir Street is 35 feet in total height and has a body width of 15 feet. The sign is fully enclosed by skirting and the lowest sign starts 11' 6" from the ground elevation. The face area totals 240 square feet of signage. The third and final sign proposed is along Interstate 81 and will be a total of 35 feet in height with a body width of 22' 6". This is the largest of the signs and will have the greatest sign face area. The total face area for this sign is 490 square feet. Mrs. Turner reviewed signs in other shopping centers in the City. She said that in a letter submitted with the Comprehensive Sign Plan, AIG Baker stated that they are waiving their right to use any additional square footage allowed as wall signage for any of the tenants within the shopping center. She said that City staff recommended approval of the request. Vice-Mayor Peterson offered a motion that the Council resolve to approve this comprehensive sign plan. The motion to resolve was approved with a unanimous vote of Council.

John Neff (former Mayor of Harrisonburg) presented an overview of an annual report from the Arts Council of the Valley. He said that last year the Arts Council of the Valley established the following goals which included establishing an arts and culture overlay district, attaining status as a 501(c)(3) charitable organization, formulating a board of 16 members of both City and County residents, hiring a full time professional staff for both the Court Square Theater and the Arts Council, and gaining public and private support. These goals have been accomplished, although the Arts Council continues to seek support from additional public and private sources. Creating an endowment with the Community Foundation is in the plan for the upcoming year, as is a 3-5 year plan for the organization. Additional accomplishments include having the organizational membership numbers of 28, have 42 individual members and contributors, the first newsletter was printed and distributed to about 26,000 households, and the first re-granting process is underway. He also noted that a total of 28 applications have been received, requesting almost \$90,000. A panel of experts from Charlottesville, Roanoke, Woodstock and Fairfax will meet to review the applications and make funding recommendations on March 19th. A volunteer committee is working with the staff to put together an extraordinary 9-day festival, called "Valley Fourth", to celebrate Independence Day. A January retreat produced some exciting plans for programming in the areas of arts education as well as a display of public art. The Court Square Theater completed 2001 with a positive financial condition and has established partnerships with numerous businesses. The Blue Ridge Theatre Festival and the Rockingham Ballet are now in residence. The goal of having a diverse program of music, theatre, dance and films has been successfully accomplished both financially as well as program wise. Because of this resounding success, and a clear demand on the part of the community for more services, more entertainment, more re-granted funds, more arts education for children, the Arts Council acknowledged the invaluable backing provided by the City of Harrisonburg and Mr. Neff thanked City Council for the continued support. He also noted that continued support is needed from the community, citizens, and volunteer support. He encouraged everyone to visit the new office location at 320 South Main Street which he pointed out is directly across the street from the Municipal Building.

Public Works Director Baker presented an overview on rebuilding the Resource Recovery Plant. The Resource Recovery Plant is a viable part of the City's solid waste management plan. The solid waste

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management plan includes refuse collection, recyclable materials, processing materials, trash burning plant, resource recovery plant, and disposing materials in the landfill. It takes all of these components together to make a successful solid waste management plan. The Resource Recovery Plant has provided the City a unique opportunity to take the trash and make something positive out of it where before it was buried in the landfill. The Resource Recovery Plant was built to burn trash and supply steam to generate heat to the James Madison University campus. It has been expanded one time to add additional heating and cooling opportunities for the new CISAT campus. The plant is still functional, but needs major work. It was originally built to handle 100 tons per day of trash design capacity. The rebuilt plant would be able to handle twice the trash capacity. A larger rebuilt plant also will extend the landfill's lifespan. Less trash going into the landfill means it will fill less quickly. Mr. Baker said, "I don't want anyone to think this trash-burning plant will do away with the landfill. It will not. We want to make the landfill last as long as possible." He said that last year the City took 1,400 tons of trash to the landfill and 8,300 tons of trash to the recovery plant. Most of the trash taken to the landfill came from individuals and small companies, not from the City's refuse and recycling department. Many reasons to expand the Resource Recovery Plant include increasing the capacity, providing extra space for solid waste as the City grows, providing additional steam capacity, creating additional revenues to offset operational costs, lessen the general budget revenues necessary to support the Resource Recovery facility, reduce the amount of solid waste placed in the landfill, and update the plant to meet the current EPA regulations. He noted that other alternatives were considered before proposing rebuilding an estimated \$23 million plant. It will take 10 months to finish the work and train employees how to operate the facility. Construction should begin in November. During the 10-month construction, half the plant will remain open to fulfill its contract with JMU by supplying the university with steam-generated heat. The City will use gas instead of burning trash to make the steam during that time. Employees who work at the plant will spend the 10 months working in the operating part of the facility, retraining in the new part and working on other public works projects in the City.

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

RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF HARRISONBURG, VIRGINIA

DECLARING ITS INTENTION TO REIMBURSE THE

COST OF CERTAIN EXPENDITURES

WHEREAS, the City of Harrisonburg, Virginia (the "City") has made or will make expenditures (the "Expenditures") in connection with (i) the acquisition, renovation and equipping of a building for public safety and other administrative use by the City, (ii) improvements to and the acquisition of equipment for the City's steam plant and resource recovery facility and (iii) expansion and improvements to the City's water system, including the expansion of and acquisition of equipment for the City's water treatment plant, the installation of covers on certain of the City's water reservoirs and the development, construction, equipping and integration of additional water sources into the City's water system, including the installation of additional water lines (collectively, the "Project"); and

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WHEREAS, the City may determine that the funds advanced and to be advanced to pay Expenditures on the Projects will be reimbursed to the City from the proceeds of one or more tax-exempt obligations to be issued by the City (the Indebtedness);

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

1. **The Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Projects, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.**

2. **The maximum principal amount of Indebtedness expected to be issued for or allocated to the Projects is \$60,000,000.**

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

CERTIFICATION

The undersigned City Clerk of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Council of the City of Harrisonburg, Virginia at a meeting duly called and held on the 26th day of February, 2002 by the vote set forth below, and that such Resolution has not been repealed revoked, rescinded or amended:

<u>Council Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Mayor Carolyn Frank	Present	Aye

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Vice-Mayor Dorn W. Peterson	Present	Aye
Council Member Hugh J. Lantz	Present	Aye
Council Member Larry M. Rogers	Present	Aye
Council Member Joseph Gus Fitzgerald		
Present	Aye	

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

City Clerk
of the City of Harrisonburg, Virginia

(SEAL)

City Manager Baker said that adoption of this Resolution will allow the City to reimburse itself for expenses incurred in connection with issuance of bonds and for the funds taken from this unappropriated fund balance for the purchase of Harrison Plaza. The financial advisors have recommended conducting a bid sale for the bonds. Council Member Fitzgerald offered a motion to resolve that the Council adopt this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

Absent None

Council Member Joseph Gus Fitzgerald	Present	Aye
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Finance Director Seal presented for Council's consideration hiring a CPA firm to perform the audit of the City's records for the next three years ended June 30, 2002, 2003 and 2004. He said that a review committee has reviewed the replies to the requests for proposal for audit services. Based upon this review, the committee recommends that the firm of Brown, Edwards & Company, L.L.P. Certified Public Accountant be awarded the contract for the next three years with an option to extend for up to additional three years. He said cost was the ultimate decision and there is approximately \$20,000 difference between the low and high bidder. Council Member Rogers expressed his concern with hiring a new firm, which is located in Roanoke, rather than using a local firm who has been conducting the City's audit for years. Council Member Lantz said, "Sometimes cheapest is not always best. Which firm can contribute the most to the community? PBGH has given more than \$100,000 to the community and headed up fund-raising efforts to renovate the Massanutten Regional Library. He said, "I'm sure Brown, Edwards is a good firm, but at the same time, are they going to give us the best for the community given the price?" Vice-Mayor Peterson said, "I think the City really has a strong obligation to go with the lowest bid." Mayor Frank commented that the City should not award a contract to PBGH just because of its long relationship with the City. That isn't the way to conduct business. Council Member Lantz offered a motion that the Council table this decision on which CPA firm to hire until the next meeting. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented a brief report on House Bill 1289 and Senate Bill 501, which are transportation bills being proposed in the Virginia General Assembly. Mr. Baker pointed out that Harrisonburg only has jurisdiction on streets located inside the City limits. However, both of these transportation bills actually address needs within the City limits or roads identified in the Major Street Plan. He explained that the Major Street Plan is basically the HATS plan as it applies to roads within the City limits. He said that the City continues to support the Major Street Plan and the HATS plan. Mr. Baker suggested that since the legislation would largely affect road construction in the county, he suggested that Council Members might want to back the same bill supported by the Rockingham County Board of Supervisors. He said that either bill would not have as great an impact in the community now as it would have a year ago. The Virginia Department of Transportation has less money to spend this year than last year because of a shrinking budget. All road projects in the state's six-year plan that were not already in the planning stages have been axed. Mr. Baker also pointed out that since the West Market Street project went over budget the City would continue to pay for it another three years. State money for local road projects might not be available for eight to 10 years. He recommended that City Council not take any action and continue to support the current policy, which is the Loop Road. Council Member Lantz reviewed the many meetings, negotiations, discussions, and compromises held during the last six years to support HATS plan alternate number VI. Council Member Fitzgerald said that the City has a problem moving traffic from the east to the west or west to the east and the Highway Advisory Committee, which Mr. Fitzgerald is a member of, has said that a limited access road around the City would help the east-west traffic.

Council Member Fitzgerald suggested that since only four applications have been received for consideration in the formation of a charter committee, this agenda item should be discussed in closed session.

Mike Layman, Chairman of the Golf Course Advisory Committee, presented a request from the committee that the season pass rates be lowered in order to be more competitive. He explained that when the golf course first opened the season passes were priced higher to generate more revenue. He also noted that

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this request will not affect the daily rates of the golf course. Following further discussion and comments, Council Member Fitzgerald offered a motion that the Council resolve to accept the unanimous recommendation from the Golf Course Advisory Committee to lower the season pass rates. The motion also included that any special rates for groups will be included in an annual report to City Council. The motion to resolve was approved with a unanimous vote of Council.

Chuck Schuller, Executive Director of the Valley AIDS Network, presented a request from Valley AIDS Network for a special event to be held on Saturday, March 23rd. He said that the Valley AIDS Network is a private nonprofit organization. The group has a dual mission of assisting people living with the HIV/AIDS in the Central Shenandoah Valley. The prevention efforts target the spread of HIV/AIDS among students/youth, strengthen services for families, women, and all persons living with HIV/AIDS, increase community awareness and compassion in the Shenandoah Valley. The Valley AIDS Walk will begin on the JMU campus and proceed to Court Square. In the past the group has used City sidewalks and might have 150-200 participants. He said that he understood the group would need to obtain insurance before the event can be held. Vice-Mayor Peterson offered a motion that the Council resolve to agree to allow the group to use the street for the event with the proviso if fewer than 200 people participate notifying the Chief of Police it won't be necessary to close the streets and the sidewalks will be used for the event. The motion also included that the event could be held contingent upon the group obtaining insurance if necessary. The motion to resolve was approved with Council Member Rogers abstaining.

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

Resolution Designating April as Clean-up/Fix-up Month

WHEREAS, the mission statement of the City of Harrisonburg expresses the intent to preserve and enhance the quality of life that is unique to the community; through promoting a partnership between citizens, elected officials and City employees; and

WHEREAS, it is also the City's desire to project an image of community pride, friendliness and livability; and

WHEREAS, the City Council seeks to encourage all citizens, businesses, schools, universities, civic groups, City employees and others to participate in a mutual effort to further enhance and beautify the City through fixing up and cleaning up public and private properties.

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NOW, THEREFORE, BE IT RESOLVED, that the City Council of Harrisonburg, Virginia does hereby designate the month of April as Clean-up/Fix-up Month in the City of Harrisonburg.

Date

Carolyn W. Frank, Mayor

Attest:

Yvonne Ryan, CMC, City Clerk

Patty May representing the Chamber of Commerce requested that City Council designate the month of April as Clean-up/Fix-up Month to encourage all citizens, businesses, schools, universities, civic groups, and City employees to participate in a mutual effort to further enhance and beautify the City through fixing up and cleaning up public and private properties. Council Member Fitzgerald offered a motion that the Council resolve to approve this resolution. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented for Council consideration a request by the Shenandoah Valley Track Club (SVTC). He explained that the club, in conjunction with the Shriners Hospital for children and JMU's Men and Women Track Program, is sponsoring a 10 Mile/5K (Running Race) to be held on Sunday, November 3, 2002. These groups will establish the organization of the race and will provide a number of volunteers to help conduct the event. In order for the event to be promoted and advertised in magazines it is necessary to receive City Council approval now. Vice-Mayor Peterson offered a motion that the Council resolve to approve this event. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation for the Harrisonburg/Rockingham Regional Sewer Authority. This budget amendment is necessary to address the increased costs associated with the treatment and beneficial reuse or disposal of wastewater solids. Council Member Lantz offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$160,000.00 chge. to: 2012-31010 Amount from fund balance

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\$160,000.00 approp. to: 2012-422061-43840 HRRSA

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Public Works Director presented a request for a supplemental appropriation for an extra guard at the recycling center. He explained that the recycling center is a combined operation joint venture shared with Rockingham County. Inmate labor force is used at the recycling center and it has become necessary for security reasons to add another guard. Rockingham County will reimburse the City 40% of the cost of the extra guard. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$8,400.00 chge. to: 2014-31010 Amount from Fund Balance

5,600.00 chge. to: 2014-31917 Reimbursement/Rockingham Co./Recycling

\$14,000.00 approp. to 2014-952042-43100 Professional Services

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

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

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Leonard VanWyk, a resident of 1065 South Dogwood Drive, encouraged City Council to endorse the Landes bill in the Virginia General Assembly because it makes more sense for the City and will provide more flexibility with the money. The deeper issue regarding the whole transportation item is that a previous City Council approved the concept of the HATS plan as well as the Rockingham County Board of Supervisors. He said that the Virginia Department of Transportation has held various public meetings attended by thousands of people speaking against the original HATS plan. The Rockingham County Board of Supervisors has removed its support and hasn't endorsed another plan. He suggested that the Harrisonburg City Council, Rockingham County Board of Supervisors, and VDOT representatives should have a meeting to discuss a long-term plan for a loop highway around the City. He also complained about the lack of adequate bike racks in shopping centers in the City. He noted that in some shopping centers in the City he has to lock his bike to a handicap sign in the parking lot.

Bucky Berry, a resident of 877 North Main Street, complained about the Police Department not having enough funding for additional police officers and expressed concern for safety in the North end of the City.

Council Member Rogers asked Police Chief Harper to come to the podium and provide an update of the Police Department staffing.

Police Chief Harper responded that at the present time the Police Department is at full staff, which will include five Police Officers graduating in March. He also noted that this is only the second time during his nine years with the City that the department has been fully staffed.

Council Member Rogers said that he has spoken with several people to discuss a downtown pedestrian mall. He said that he has arranged for a facilitator to conduct a meeting on April 8th at 7:00 p.m. at the Massanutten Regional Library to discuss some of these ideas and suggestions. He requested that City Council Members attend the meeting.

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

Cheryl Talley said that is encouraging to hear a City Council Member affirming a call for open and responsive government and inviting public participation at this meeting. She suggested that the City's Planning Commission should also be involved. _

At 10:15 p.m., Council Member Fitzgerald offered a motion that the Council resolve to enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: the Harrisonburg Golf Course Advisory Committee, the Board of Zoning Appeals, the Industrial Development Authority, and the Charter Committee. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to the acquisition real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code).

At 10:58 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussion or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that the Council resolve to allow Assistant City Manager Hodgen to negotiate with Willow Lane Partners LLC to exchange 12 acres where the driving range is located and four adjoining acres in exchange for about 26 acres near Hillandale Park. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

No - Council Member Fitzgerald

Mayor Frank

Absent - None

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

Council Member Fitzgerald offered a motion that the Council resolve that Stan Gray, 924 Mockingbird Drive, be appointed to a first term on the Harrisonburg Golf Course Advisory Committee to expire on March 21, 2006. The motion to resolve was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that the Council resolve that Antoine Lucas, 1047 Oriole Lane, be appointed to a first term on the Harrisonburg Golf Course Advisory Committee to expire on March 21, 2006. The motion to resolve was approved with a unanimous vote of Council.

At 11:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

SPECIAL MEETING

MARCH 12, 2002

At a special meeting of Council held this evening at 6:00 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 Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Mayor Frank called the meeting to order and thanked everyone present for attending. She started with a quote and a reading from the Rotary: Today in all we say and do, I hope that we will be truthful, fair to all, hope that we will try to build goodwill and friendship, and that the decisions we make will be beneficial to all that is concerned. She said this meeting was called to discuss concerns regarding the Willow Lane Partners proposal, netting to be placed next to the driving range, and purchasing and moving the Bahn house, which is located on Garbers Church Road.

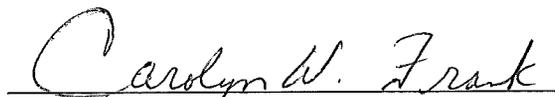
Mike Layman, Chairman of the Golf Course Advisory Committee, reviewed a map concerning the proposal and stated that his sole purpose in all of the transaction was to avoid a huge scar on the skyline and do the absolute best he could for the City in terms of making the course a financial success.

Discussion and comments relative to the subject included the involvement of the Golf Course Advisory Committee, an 80-foot high netting requirement before the architect would certify the driving range, many 80-foot poles for the netting, cost of the netting, maintenance of the netting, netting needed to contain stray golf balls, netting being an eyesore, First Tee program, moving the Bahn house, and 18 tee boxes are needed to be revenue generating for a successful driving range.

It was resolved to finalize the purchase of the six acres for \$30,000 per acre and reach an agreement or a price for the 12 acres for the driving range.

At 7:20 p.m., there being no further business and on motion adopted the meeting was adjourned.


CITY CLERK


MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 12, 2002

REGULAR MEETING

MARCH 12, 2002

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 Police Captain Malcolm Wilfong. Absent: 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 supplemental appropriations for the recycling center and the Harrisonburg/Rockingham Sewer Authority. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Leonard VanWyk, a resident of 1065 South Dogwood Drive, thanked City Council for holding a special meeting to consider and discuss the Willow Lane Partners proposal or land-swap deal. He said that his comments would pertain to the proposed land swap deal, which could involve 26 of the 48 acres known as the Bridgewater property near Hillandale Park for 16 or 18 acres adjacent to the Heritage Oaks Golf Course. He presented a petition containing 67 signatures of adjoining property owners near Hillandale Park and pointed out that he was not acting alone. He said there is a real consensus in the neighborhood that the property was bought for passive recreational use. He said 85%-90% of the residents didn't even know about this proposal

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 12, 2002

until an article appeared in the newspaper. He reviewed excerpts from City Council minutes which included the meetings of May 23, 2000, July 27, 2000, August 8, 2000, September 26, 2000 and December 12, 2000 regarding the purchase of the 48 acres tract of land bordering Hillandale Park. Mr. VanWyk said, You (City Council) just dropped this information in our lap at the last minute and I think things could have been handled a little bit differently. He questioned what is the future of these 48 acres? He again reiterated that the initial motion made at the May 23, 2000 meeting in an open public hearing regarding purchasing the land was that it should be designated as recreational passive use land. City Council agreed to buy the land for future parkland and when it went to the Planning Commission it was agreed that it would be bought with the stipulation that the land be an addition to Hillandale Park. City Manager Stewart clarified that this particular land was for passive use only such as walking trails and picnic areas. In the actual motion in the September 26th meeting, the motion included that the land would be designated for passive in use only. All of the language from five Council meetings was very clear about the designation for the 48 acres and it was never broken down into a lower 22 or an upper 26. The designation is for passive use recreational parkland. He said, I would like to see someone on Council entertain a motion that reinstates the fact that you are going to use these 48 acres for passive recreational use as it was intended from the beginning through the public hearing from the year 2000.

Some discussion by Council Members relative to the subject included it is a written rule that no Council cannot obligate another Council, nor can a future Council overturn the current Council's decisions, spending \$800,000 for the additional land, and as the City grows and different programs develop there might be a further need to expand some of the programs.

Planning and Community Development Director Turner introduced a request by Jerry Gentry to close an undeveloped section of Collicello Street. She said that this was a request to close and vacate a portion of an undeveloped section of Collicello Street from 6th Street to the intersection with Edom Road. This property is currently occupied by a small structure that is owned by Mr. Gentry and is utilized as part of his auto sales business. This structure appears on aerial photographs from 1938 and 1951 and existed before the City annexed the land in 1962. The structure existed before plans were drafted creating the paper Collicello Street, otherwise it could not have been constructed where it currently stands. She reviewed the surrounding uses in the area. According to the City's Major Street Plan there are no plans for the City to extend Collicello Street to Edom Road. It is not used for any type of service deliveries and with the vacation of Collicello Street, the structure that currently exists will be located too close to an adjoining property line. Plans are currently underway to bring the structure into conformance with the ten-foot setback requirement from the M-1, General Industrial Zoning District. She said that it has been understood that a minor subdivision filed and approved will bring the existing building within setback regulations. Planning Commission recommended approval of the request provided that the subdivision was also carried out to make this building a conforming structure.

At 7:55 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, February 25, and March 4, 2002.

NOTICE OF INTENTION TO VACATE

A STRIP OF COLLICELLO STREET

IN THE CITY OF HARRISONBURG

City Council Chambers

Tuesday, March 12, 2002

7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, March 12, 2002 at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Jerry Gentry to vacate a strip of Collicello Street from its intersection with 6th Street (which is also a paper street) until its intersection with Edom Road in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of a plat showing the portion of the strip to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger Baker

City Manager

Mark Callahan, attorney with the law firm of Clark and Bradshaw, and representing the applicant explained that his client would like to close an undeveloped section of Collicello Street from 6th Street to the intersection with Edom Road. Currently there is a structure being used by automobile dealership located in the Collicello Street right-of-way. The structure appears on aerial photographs from 1938 and 1951 and existed before the City annexed the land in 1962. He said the structure was not in place before the road was platted and the

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aerial photographs indicate there never has been a road in this area, nor has an alley been developed, nor has 6th Street been developed. Mr. Gentry has agreed to the minor subdivision plan and would like to sell his property and this paper street obviously presents a cloud on the title.

Alicia Shoemaker, owner of property located at 1010 Virginia Avenue, said that because she was not an adjoining owner to Collicello Street, she was not notified about the request when it was presented at the Planning Commission. She commented that Mr. Callahan had stated that Mr. Gentry would like to sell his property and this paper street presents a cloud on the title. She suggested that Mr. Gentry should also request closing 6th Street and get all the clouds cleared up at one time to eliminate the maize of paper streets. She also said that she was willing to help in the expense of closing 6th Street. Ms. Shoemaker insisted that Mr. Gentry was using some of his property and City property as a junkyard. She encouraged City Council to send this request back to the Planning Commission and not approve it.

Some discussion by Council Members relative to Mr. Gentry's request included that Ms. Shoemaker should follow the City's proper procedure to close a street and present an application to close 6th Street at a future date because there was no reason to delay this application.

There being no others desiring to be heard, the public hearing was declared closed at 8:15 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request by Blackrock Contracting to rezone 9.761 acres from R-1, Single Family Residential District to M-1C, General Industrial District Conditional. She explained that the property is located along the Chesapeake Western Railway between Country Club Road and Smithland Road. The parcel in question is roughly 43 acres in total; the rezoning request affects only the Southwestern portion of the property. Blackrock Contracting is seeking to rebuild its asphalt plant and in doing so would like to utilize a portion of this property which is currently

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zoned M-1. The Comprehensive Plan's Land Use Guide shows the property as General Industrial. The General Industrial designation consists of land and structures used for light and general manufacturing, wholesaling, warehousing, high technology, research and development and related activities. According to the Comprehensive Plan, the purpose of the General Industrial designation is to encourage a variety of industrial businesses to locate within the City, to locate less industrial uses near residential neighborhoods, to locate industrial uses near major arterial to avoid traffic through nearby residential neighborhoods, to locate industrial uses adjacent to businesses or other industrial area, to permit the most intense industrial uses by special use permit as opposed to by right, and to seek firms which are compatible with the environmental, transportation, and economic factors of the City. She reviewed the surrounding uses in the area. The rezoning for Blackrock Contracting would adjust the zoning for approximately 10 acres of land in the Northeastern corner of the City to facilitate the construction of a new asphalt plant behind the current facility along Country Club Road. Although the property owner has not proffered to limit the use of the property, the asphalt plant is an allowed use in the M-1, General Industrial District. The property owner has proffered to plant a row of buffer trees along the proposed rezoning line. Mrs. Turner said that this proposal will allow the applicant to build a new facility closer into the existing industrial zoning classification while still protecting the residential nature of the homes near the Smithland Road area. She said that Planning Commission recommended approval with proffer as submitted by a vote of 6-1.

At 8:20 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, February 25, and March 4, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, March 12, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

-
-
-

Rezoning

-

Consider a request by Blackrock Contracting, with representative Valley Engineering, to rezone 21.937 acres of land from R-1, Single Family Residential District to M-1C, General Industrial District (conditional). The site is represented by tax map 72-A-16 and is located along the southeast side of the Chesapeake Western Railway between Country Club Road and Smithland Road.

The Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities.

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 12, 2002

The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum. The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearings 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.

Ray Nicely said that Blackrock Inc. has been presenting a valuable service to the City and has been an important member of the business community for 22 years. He said Blackrock wants to upgrade its operation and is requesting that 9.761 acres of adjacent land be rezoned to the existing site for the location of a new plant. This rezoning is not creating a piece of land that protrudes into another zoning classification, but rather this rezoning is straightening up a line. The new plant would be on a lower elevation and would not be as visible as the existing plant. Mr. Nicely stated that he felt that this was an appropriate request for this parcel of land.

Floyd Wall, a resident living at 1341 Smithland Road, said his family was excited that Mr. Bunch had purchased the land because he immediately cleaned up the property.

Jim Bunch, president of Blackrock Contracting, said Blackrock has operated the existing facility since for 22 years and employs 60+ employees, all of which live locally. All of the plant's work is done in the Harrisonburg area including milling, maintaining and re-surfing City streets. The existing facility meets all Environmental Protection Agency and Department of Environmental Quality requirements. The proposed new plant far exceeds future proposed regulations.

Betty Heavner, a resident living at 1270 Smithland Road, said that Blackrock will be a good neighbor and she was thankful for his concerns regarding the environment.

Bib Fraizer introduced himself as representing Interstate Properties, the major parcel of land across the railroad tracks from this proposed rezoning site. Mr. Frazier said that he was very happy with the proposed plan. He encouraged Council to approve the request.

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There being no others desiring to be heard, the public hearing was declared closed at 8:32 p.m., and the regular session reconvened.

Council Member Fitzgerald offered a motion that Council resolve to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner presented for Council's consideration amending Article P.B-1, Central Business District, Section 10-3-84 of the Zoning Ordinance. She explained that Section 10-3-84 of the Zoning Ordinance is the central business district uses permitted by right. The text pertaining to the B-1 district does not adequately address the use of dwelling units. Currently, the Zoning Ordinance only addresses dwelling units in plurality without allowing for the creation of just one unit. After further consideration, staff reviewed the text and agrees that the Zoning Ordinance language needs to be amended to clarify, and more appropriately address the intent of the B-1, Central Business District. The proposed language in number three would read hotels, motels and buildings used for dwelling unit(s), CBD, as defined under article F. Dwelling units(s), CBD, may be occupied by a family or not more than four (4) persons, except that such occupancy may be superseded by building regulations. The problem presented itself when a property owner wanted to construct a single residential unit in the downtown, but the code did not allow for the construction of just one unit. She said that Planning Commission recommended approval.

At 8:35 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, February 25, and March 4, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 12, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider an amendment to Article P.B-1, Central Business District, Section 10-3-84. Uses permitted by right as follows:

3. Hotel, motels and buildings used for dwelling units(s), CBS, may be occupied by a family or not more than four (4) person, except that such occupancy may be superseded by building regulations.

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 hearings 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 present desiring to speak for or against this amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 8:36 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve to approve amending this ordinance for a first reading. The recorded roll call vote was taken as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 12, 2002

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner presented for Council's consideration amending Article F. Definitions, Section 10-3-24 of the Zoning Ordinance. She explained that the text in Section 10-3-24 of the Zoning Ordinance pertaining to the B-1 district does not adequately address the use of dwelling units. Currently, the Zoning Ordinance only addresses dwelling units in plurality without allowing for the creation of just one unit. She said that after further consideration, staff reviewed the text and agreed that the Zoning Ordinance language needs to be amended to clarify, and more appropriately address the intent of the B-1, Central Business District. The proposed language would read hotels, motels and buildings used for dwelling unit(s), CBD, as defined under article F. dwelling unit(s) may be superseded by building regulations. She said that Planning Commission recommended approval.

At 8:43 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, February 25, and March 4, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 12, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider an amendment to Article F. Definitions, Section 10-3-24, Dwelling Unit(s) CBD as follows:

NOTICE OF INTENTION TO VACATE

One or more dwelling units of non-transient occupancy within the Central Business District (CBD) that are designed to promote the most desirable uses and rehabilitation of the district.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearings 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 present desiring to speak for or against this amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 8:44 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve to approve amending this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

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Planning and Community Development Director Turner presented a brief review of Planning Commission 2001 Annual Report. Mrs. Turner said that Planning Commission has reviewed requests for 12 rezoning, 4 special use permit items, 5 street and alley closings, 1 master plan, 9 zoning ordinance amendments, 17 preliminary subdivision plats, held 12 regular meetings, 5 special meeting, and 2 Ad-Hoc Committee meetings.

Council Member Rogers offered a motion that Council resolve to hire the CPA firm of Brown, Edwards, and Company, L.L.P. to perform the audit of the City's financial records for the next three years ended June 30, 2002, 2003 and 2004. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker reported that recent water and sewer bids had been awarded under current appropriations to A.J. Conner General Contractor for the Smithland Road Water & Sewer project in the amount of \$333,000; Commonwealth Excavating for the Sieberts Creek Interceptor in the amount of \$81,396; and Commonwealth Excavating for the Avalon Woods-Nelson Drive project in the amount of \$20,411.

Council Member Lantz presented a report regarding the financing of the school bonds issued in November, 2001. He said there is a misconception that the City and School Board is losing \$88,000 every month because the City floated the bonds last fall rather than waiting until the spring to issue the bonds. It is a misconception that the City is paying 4.87% interest on the bond issue and earning 2.05% on the money received from the Public School Authority. He reviewed a chart showing interest rates on 30-year treasury for the past 25 years and he pointed out that at the time the City borrowed the money, it was the lowest interest rates have been for 25 years. The School Board indicated that it needed construction money by March and the spring bond sale proceeds would not have been available until May 15th. He reviewed a chart showing interest during the last eight months indicating the City borrowed money at the right time. He reviewed the bond debt payment that the City will be paying over the next 25 years. Over the next 25 years, the City will borrow \$41.5 million and will be paying back \$73 million. He said, "It really doesn't matter whether you borrow the money in the fall or the spring if the interest rates are the same, the City will pay back \$73 million. The payment schedules are going to be identical. The only difference is the City will start the first payment under the fall bond schedule July 15th. However, the bottom line is still the same, the City will have to pay back \$73,732,322.50. If the City had waited until the spring to borrow the money, the City would owe \$73,732,322.50 and have earned no interest on the \$41.5 million because we would not have had the money. Since the City borrowed the money in the fall, it doesn't have to spend the money until May 15th and it will earn six months of interest. Mr. Lantz said that the payback is still the same; however, the City will earn \$426,925.80 in interest for six months. The City's first payment is due on July 15th and will be \$1,326,775.00 and will lose \$13,599.44 in interest because we paid it early. It is a fact that the City will lose the money because it had to start the bonds six months earlier than it wanted too. However, if you take the six months worth of lost interest and subtract it from what the City has been making, it is \$413,326.36 which means net dollars to the City of \$68,887.73 a month. We are not losing \$88,000 a month because we issued the bonds last fall. The City will be \$413,326.36 ahead because construction did not begin right away. He further reviewed some of the dollars saved by the City if interest is invested for 25-year bond life, dollars saved due to higher rates on spring bond sale, and the combined dollars saved by City.

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 12, 2002

Economic Development Director Shull presented a request for Council's consideration to dissolve Harrisonburg Crossing Community Development Authority. He said that this request does not involve the recently approved Harrisonburg Crossing Shopping Center to be located on the former Dunham-Bush property. CBL & Associates, Inc. (CBL) proposed in 2000 to develop a retail shopping center fronting on County Club Road in Harrisonburg. City Council authorized the creation of the Harrisonburg Crossing Community Development Authority (CDA) by Resolution, adopted June 27, 2000. The CDA was created to be a vehicle to issue bonds to provide certain public improvements that would benefit the land within the CDA District. CBL has cancelled its plans for this project. No bonds were issued by the CDA. Interstate Properties, LLC, the majority landowner within the CDA District, and CBL hereby request Council's approval to dissolve the CDA. Council Member Fitzgerald offered a motion that the Council resolve to dissolve the CDA. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Vice-Mayor Peterson acknowledged that he had requested discussion of Council's option on School Board's option to use eminent domain for a high school site. He said, "I asked for this request to be placed on the agenda after listening to Council Member Fitzgerald on the radio when he said that he thought the School Board should go ahead and use eminent domain and then in the afternoon of the same day Council Member Lantz announced that he no longer supported the School Board's long range plan. He said he thought it was important that Council had the option of voting as a Council as to whether or not we thought that sort of move by the School Board was something that we could support admitting that the School Board does not have to listen to us. He said perhaps we might want to discuss whether or not we would like to ask the School Board to spend more time on planning. He said, "I do hope that the opinion of Council might carry some weight with the School Board along the lines of saying the community isn't ready to support this and we really need to think more community input needs to be made on this plan.

Council Member Fitzgerald suggested that comments made by him and Council Member Lantz were made as individuals. He said, "We have a responsibility to fund the school as best we can and beyond that how they spend that money is essentially none of our business. The policies they follow in spending that money particularly whether they use eminent domain or not are also none of our business. The School Board is capable of enlisting community input on their own and they don't need our help. It is not the role of this Council to tell the School Board what to do.

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Janice Fitzgerald, a resident living at 491 Garbers Church Road, expressed her concern about the lack of leadership of the City Council.

Chuck Heckman, a resident living at 1555 Shank Drive, addressed City Council and questioned why they were not able to meet with the School Board prior to the Council meeting this evening.

Planning and Community Development Director Turner introduced a request to amend Section 6-1-22 of the City Code to create a public hearing process at the Planning Commission level, as well as City Council for the vacation of streets and alleys. She said Planning Commission agreed it would be a good idea to have a public hearing at the Planning Commission level regarding the vacation of streets and alleys. The Planning Commission has been giving recommendations to the City Council without being able to access all of the information that the City Council might hear from interested or concerned neighbors. It is a strong perception that the action taken at the Planning Commission level is what will happen at City Council. Vice-Mayor Peterson offered a motion that the Council resolve to approve amending this section of the City Code and the language for the code should be made available at the next Council meeting.

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used for software replacement. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$9,000.00 chge. to: 1000-31010 Amount from fund balance

\$9,000.00 approp. to: 1000-310431-48173 Software (replacement)

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

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Mayor Frank

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used for supplies and equipment for police explorers post. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved with a first reading, and that:

\$1,000.00 chge. to: 1000-31010 State Drug Forfeiture

\$1,000.00 approp. to 1000-310431-46100 Police Supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Business and Finance Director Triplett presented a request for a supplemental appropriation for the School Board. These funds represent unanticipated receipts from the Federal government that were not known during the budget process. No additional City dollars are required from City Council for the school division to receive these additional funds. Council Member Lantz offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$71,959.00 chge. to: 1111-33301 School Revenue Federal

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\$71,959.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Bucky Berry, a resident of 877 North Main Street, complained that the Northern section of the City was being neglected and becoming a junky area.

At 9:36 p.m., Council Member Fitzgerald offered a motion that the Council resolve to enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: a Charter Committee, the Board of Zoning Appeals, and the Industrial Development Authority. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to probable litigation. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code). Finally, the purpose of the closed session is for the discussion of matters concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in Harrisonburg. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.5 of the Code of Virginia (1950), as amended (the Code).

At 10:00 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by the City Council.

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Council Member Fitzgerald offered a motion that the Council resolve to create a Charter Committee and that Scott Sellers, 851 Vine Street, Ben Fordney, 1126 Chestnut Drive, Margaret E. Haynes, 1140 Hillcrest Drive, Michael A. Haines, 298 Franklin Street, and Greg Coffman, 66 Laurel Street, be appointed to it. The motion to resolve was approved with a unanimous vote of Council.

At 10:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

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REGULAR MEETING

MARCH 26, 2002

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

Council Member Lantz delivered the invocation and Mayor Frank 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 supplemental appropriations for the School Board and Police Department. The motion also included the second reading amending and re-enacting Section 10-3-24 and Section 10-3-84 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

Karen G. Collins and Greg Snow with Palmer & Cay presented an overview of the proposed Compensation and Benefits Study. Ms. Collins said Palmer & Cay Consulting Group has studied Harrisonburg's payroll, benefits and job positions during the past five months. The group projects have included a compensation and benefits strategy, external competitiveness review, benefits equity study, review the internal equity, review job classification/evaluation, develop a new salary structure, provide recommendations for making benefits plans more acceptable to the employees, and finally conduct a cost

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analysis associated with all of the firm's recommendations. The City's top management met with Palmer & Cay many times providing input to every part of the study and also devoted a significant amount of their time to make sure what is being recommended will actually meet the needs of the City of Harrisonburg. Input was provided from all Task Force members and the City Manager for the compensation and benefits strategy. Specific topics included market definition comparing municipalities of similar size and the local market. Development of compensation and benefits goals included a base salary at market which is the approximately the 50th percentile or market median. All data was adjusted to the Harrisonburg geographic area. An external competitiveness review was conducted which involved a private survey identifying 36 benchmark jobs within the City and receiving data from 24 survey participants. An analysis comparing the private survey data to Harrisonburg's data indicated that Harrisonburg's salary schedules are slightly below market including that minimum is 4.2% below market overall, midpoint is 6.5% below market overall and maximum is 8.2% below market overall. An analysis comparing survey data to Harrisonburg's data indicated overall actual average salaries are below market competitive ranges. The private survey indicates the City is 10.2% below market and published survey data indicates 9% below market. The analysis shows the most under compensated City employees are firefighters, police officers, assistant directors, engineers and those working in communications at the emergency operation center. It should be noted that comparison to the market would take into consideration Harrisonburg's desired goals and its benefits package. Ms. Collins said points were established for job evaluation/classification. Point factors used to utilized establish internal equity included education required, minimum experience required, complexity of analysis/creative thinking, consequence of error, decision-making responsibility, inside/outside contacts, work environment, risk/safety demands and degree of supervision/span of control. A salary structure of 15 pay ranges is recommended. She said her firm would be finalizing a salary structure and job placement within ranges, reducing job titles, finalizing cost analysis and implementing a plan, finalizing salary administration guidelines, and submitting a final report within the next month.

Greg Snow said that the benefits equity study indicates that Harrisonburg's current benefits are approximately 8% above market. He said that medical plan is above market and the City contribution for dependent coverage is above market. He said, It's typical for a municipality to be running about 5% above market. Unfortunately, health costs are expected to increase nationwide between 10%-20% next year. Mr. Snow said Palmer & Cay are recommending implementing changes to the current medical plan, introducing choice for medical and dental plans, reviewing feasibility of implementing a paid time off program, and developing a strategy for communicating benefits to employees. Changes were made to the medical plan in 2000 and a Key Care design was introduced in 2001. These changes have provided some additional discounts to the City and the employees. Most employers are making significant changes in benefit plans due to increase in cost. He said that the City still had a healthy reserve in its health plan. He encouraged offering employees a variety of health plans.

Some discussion by Council Members relative to the subject included whether the City was offering a competitive package, questioned why average salaries were 10% below market, questioned why benefits were 8% above market, maintaining and keeping employees, City experiences low turnover of employees, need to increase payroll by 5% to raise its salaries to Virginia's median for public employees, final report should provide percentages in dollar numbers, and keeping vacation and sick leave separate, not combining vacation and sick leave.

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David Rose with Davenport and Company, LLC presented an overview of a capital financing options analysis for the City of Harrisonburg. Mr. Rose said the simple issue is, Should the City of Harrisonburg access the Credit Markets via a stand-alone City General Obligation Bond issuance or should they consider issuing debt through a State intermediary like the Virginia Resources Authority? He said that Davenport recommends assessing two major factors in considering this issue economic factors and control factors. In reviewing the economic and control factors, Davenport has modeled and reviewed three separate issuance options available to the City, which includes issuance of A-Rated City General Obligation Bonds, issuance of AAA-Rated Insured City General Obligation Bonds, and issuance of AA-Rated Virginia Resources Authority Bonds. The VRA contends that a debt issuance through its program will provide a locality two major benefits versus that locality issuing debt in its own name. He reviewed the current market interest rate comparison for the years 2003 through 2032. The lowest of the three options for the general obligation bonds is the AAA-rated insured at about 5.21%. This option should save the City approximately \$1,053,740. The amortization was included in the bond. He reviewed the economic factors summary and the cost of issuance comparison. He also noted that beyond these economic factors, the City stands to sacrifice a number of Control Factors in issuing via the VRA. While the Virginia Resources Authority provides a viable financing alternative to some localities, the City of Harrisonburg is in a strong position to issue General Obligation bonds in order to satisfy its capital needs. Based upon this analysis as well as our financing experience, Davenport strongly recommends that the City proceeds with the Plan of Finance as previously presented and that the City does so via a competitive sale of General Obligation Bonds. In doing so, the City will secure capital funding at the most cost effective rates while retaining maximum control and flexibility.

Steve Johnson, Attorney with Troutman & Sanders, presented a resolution for the issuing the bonds. He reviewed the clauses in the resolution.

RESOLUTION AUTHORIZING THE UNDERTAKING

OF CERTAIN PRELIMINARY ACTIONS

WITH RESPECT TO THE ISSUANCE OF BONDS

BY THE CITY OF HARRISONBURG, VIRGINIA

WHEREAS, exceed \$60,000,000 (the Bonds the City Council of the City of Harrisonburg, Virginia (the Council) wishes to undertake, for the benefit of the City of Harrisonburg, Virginia (the City), the financing of (a) a portion of the costs of the acquisition, renovation and equipping of a building for public safety and other administrative use by the City, (b) the costs of improvements to and the acquisition of equipment for the City s steam plant and resource recovery facility and (c) the costs of expansion and improvements to the City s water system, including the expansion and acquisition of equipment for the City s water treatment plant, the installation of covers on certain of the City s water reservoirs, including the Tower Street water reservoirs, and the development, construction, equipping and integration of additional water sources into the City s water system, including the installation of additional water lines (collectively, the Projects);

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WHEREAS, to finance the Projects, to pay related issuance costs and to fund capitalized interest, the City will need to issue bonds in an aggregate principal amount not to);

WHEREAS, the Bonds will be issued pursuant to the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the Act), and will be secured by a pledge of the full faith and credit of the City;

WHEREAS, a public hearing on the issuance of such Bonds has been held on March 26, 2002 after newspaper publication thereof in accordance with Section 15.2-2606 of the Act, and such public hearing was held at the time and place set forth in such notice; and

WHEREAS, the City Manager and staff of the City will need to take certain actions prior to the final authorization of the Bonds to facilitate the offering, sale and issuance of the Bonds in a timely and orderly manner;

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

- 1. It is hereby determined to be in the best interests of the City to undertake the financing of the Projects and to issue the Bonds therefor.**

- 2. Pursuant to the Act, there are hereby authorized to be issued Bonds of the City in the maximum aggregate principal amount of \$60,000,000 to be issued at one time or from time to time, to provide funds, together with other funds that may be available, to finance the Projects, to pay related issuance costs and to fund capitalized interest.**

- 3. The Bonds shall mature at such time or times not exceeding forty years from the date of their issuance, shall bear interest at such rate or rates, shall be redeemable for such amounts and at such times, shall be in such form and shall contain such other details not inconsistent with the Act, as shall be fixed by the Council by resolution adopted at a subsequent meeting prior to the time that any Bonds are sold. The Bonds may be issued in one or more separate series appropriately designated and may be issued alone or together with any other general obligation bonds authorized by the City.**

- 4. The Council hereby determines that it will be in the best interests of the City to sell the Bonds by public sale in a competitive bidding process pursuant to a Preliminary Official Statement to be dated**

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the date of its release (the Preliminary Official Statement) in accordance with a Notice of Sale to be dated the date of the Preliminary Official Statement (the Notice of Sale) which states the structure and terms of the sale of the Bonds.

5. The Council hereby appoints Troutman Sanders Mays & Valentine LLP to serve as Bond Counsel to the City in connection with the issuance of the Bonds and to supervise all proceedings in connection with the issuance of the Bonds.

6. The City Manager is hereby authorized to advertise all or a portion of the Bonds for public sale, as he deems in the best interests of the City, to determine the appropriate series designations and fix the amounts, dates, maturity schedules, redemption provisions and other terms of the Bonds, to determine the terms upon which bids must be made, the amount of any deposit required in order to bid and the amount of any good faith deposit, to prepare an appropriate Notice of Sale, summary Notice of Sale and, if required, official bid form, and to take all other necessary action for the sale of the Bonds, all subject to approval by the Council by resolution adopted at a subsequent meeting prior to the time that any Bonds are sold.

7. The City Manager and his staff are authorized to work with Davenport & Company LLC, the City's financial adviser (the Financial Adviser), to prepare a Preliminary Official Statement of the City describing the Bonds and their terms and manner of purchase, the purposes for which the Bonds are being issued and the security for and other information relating to such Bonds, and setting forth certain information with respect to the City.

8. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to obtain a credit rating or ratings for the Bonds from Fitch Ratings, Moody's Investors Service, Inc. and/or Standard & Poor's Ratings Services, if the City Manager, in consultation with the Financial Adviser, determines that the receipt of such ratings would be beneficial to the City.

9. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to obtain a commitment or commitments for municipal bond insurance or other credit enhancement to secure the Bonds, if the City Manager, in consultation with the Financial Adviser, determines that the receipt of such municipal bond insurance or other credit enhancement would be beneficial to the City. Any final determination of the security to be offered by the City for the Bonds such as bond insurance or other credit enhancement will be subject to approval by the Council by resolution adopted at a subsequent meeting prior to the time that any Bonds are sold.

10. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to make application to a qualified securities depository to act as securities depository for the Bonds during any period ownership of the Bonds is to be evidenced by book entry.

11. The City Manager, his staff and other officers of the City are further authorized to take any other actions that they may feel are necessary or desirable in connection with the offering, issuance or sale of the Bonds.

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

Adopted: March 26, 2002

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true, complete and correct copy of a resolution duly adopted by the City Council at a meeting duly called and held on March 26, 2002, following a public hearing. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing Resolution, a quorum was present and that the foregoing Resolution was adopted by the affirmative roll call vote of a majority of all members of the City Council present and voting. The vote of the members of the City Council upon the foregoing Resolution was as follows:

<u>Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Carolyn W. Frank, Mayor	Present	Aye
Dorn W. Peterson, Vice Mayor	Present	Aye
Joseph Gus Fitzgerald	Present	Aye
Hugh J. Lantz	Present	Aye
Larry M. Rogers	Present	Aye

WITNESS MY HAND and the seal of the City of Harrisonburg, Virginia, this 26th day of March, 2002.

Clerk, City Council of

the City of Harrisonburg, Virginia

[SEAL]

At 8:50 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily New-Record on Tuesday, March 12, and Tuesday, March 19, 2002.

NOTICE OF PUBLIC HEARING

**ON PROPOSED ISSUANCE OF BONDS BY THE CITY OF
HARRISONBURG, VIRGINIA**

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the Council) will hold a public hearing on the proposed issuance by the City of Harrisonburg, Virginia (the City), without a referendum and subject to final approval, of general obligation bonds in a principal amount not to exceed \$60,000,000 (the Bonds) for capital improvement projects. The Bonds may be issued from time to time and in one or more series.

The proceeds of the Bonds will be used to (i) finance a portion of the costs of the acquisition, renovation and equipping of a building for public safety and other administrative use by the City, (ii) finance the costs of improvements to and the acquisition of equipment for the City's steam plant and resource recovery facility, (iii) finance the costs of expansion and improvements to the City's water system, including the expansion of and acquisition of equipment for the City's water treatment plant, the installation of covers on certain of the City's water reservoirs, including the Tower Street water reservoirs, and the development, construction, equipping and integration of additional water sources into the City's water system, including the installation of additional water lines, (iv) pay certain costs of issuance of the Bonds and (v) fund capitalized interest.

The public hearing which may be continued or adjourned, will be held at 7:30 p.m. on Tuesday, March 26, 2002, before the Council at a regularly scheduled meeting in the Council Chambers on the first floor of the Municipal Building at 345 South Main Street in Harrisonburg, Virginia 22801. Any person interested in the issuance of the Bonds and the purposes for which Bonds are being issued may appear at the hearing and present his or her views.

CITY OF HARRISONBURG, VIRGINIA

Roger D. Baker, City Manager

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Mayor Frank called on anyone present desiring to speak for or against issuing the bonds. There being no one desiring to be heard, the public hearing was declared closed at 8:51 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that the Council resolve to adopt the resolution as presented. 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

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2002-2003 budget. He reviewed the time line for budget developed through a process that included input from school personnel, parents, community members, and school board members. The proposed school budget provides a breakdown of anticipated revenue and expenditures for the coming year. However, he noted at this point we still do not have a clear picture of what our state revenues are going to be. The school board included in the budget an amount based on the best estimate of information provided by the Virginia Department of Education and on previous budget experience. The budget is based on a projected average daily membership (ADM) which next year is projected to be approximately 3,900. Dr. Ford reviewed the process used in developing the budget. He said that the budget includes a projected average salary increase of 6% for teachers and a 4% salary increase for all other personnel. The maintenance and operations fund includes projected expenditures for next year's projects identified in our five-year maintenance/special projects schedule, as well as ongoing routine maintenance costs. Some planned projects will not be possible due to funding constraints this year. He reviewed the significant budget increases which include debt service at \$2,220,974 (67.4% increase), health & dental insurance \$509,115, textbooks (major adoption year) \$160,533, special education, \$77,559, and utilities \$46,748 for a total of \$3,014,929. The School Board will receive more money from state funds than in the current year. However, he said that excluding increased debt service, the school board is requesting an increase in local funds for 2002-2003 of \$1,349,905. Meeting the needs of a very diverse student population increase has become a difficult challenge for the School Board. The total school population has currently 23% who speak English as a second language or approximately 800 students. Dr. Ford reviewed and identified the new positions, which are included in the 2002-2003 school board budget. He reviewed budget information for FY 2002-2003 which included 73 Fund categories of which 42 of all of the Fund categories (or 58%) were either level-funded or reduced from current levels, six of the Funds are increasing because of federal programs, eight of the increased Funds are utility funds, no state money is being provided for salary increases for 2002-2003, no state money is being provided for maintenance, SOL teaching materials, SOL teacher training, additional teachers, or truancy programs, and a group life holiday. He said that of the total budget increase, 48% is directly for increases in salaries and benefits (including both existing and new positions), 48% is also for debt service increases and 4% is for increases in all other areas.

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Council Member Lantz said, Dr. Ford, you have stated that no state money would be provided for salary increases; however, as I look back at state increases since 1997, I don't see any salary increases that have ever been appropriated. Is that true?

School Superintendent Ford said that the School Board has received money from the state which is generally in the neighborhood of 2.2%. This money becomes effective in December or January of the year, which reduces it effectively to approximately to a 1% increase the first year and then 2% the second year. The increases in salaries for the teachers in Harrisonburg have been funded almost exclusively by the City Council. There have been some funding from the state; however, when the state provides funding it must be used for SOQ (Standard of Quality positions). The number of positions in Harrisonburg are far beyond the standard of quality positions.

Council Member Rogers commented that he is very proud of the City's schools because of the dedicated teachers, administrative staff, supporting staff members and achievement of the students.

Vice-Mayor Peterson asked Dr. Ford to review the projected salary increases. Dr. Ford said that the budget includes straight salaries and he compared Harrisonburg benefits to other localities. The City's school benefits ranks 25% in the state. He reviewed the adjustment made in the teacher's salary scale. Vice-Mayor Peterson also questioned why more funding was needed for utility increases especially natural gas and requested data on salaries across the state and in particular the direct salaries and benefit packages. Dr. Ford responded that he would provide the information.

Senior Planner Anderson introduced a request by Nelson Swartz, with representative Triad Engineering, to subdivide tax map parcel 1-D-2 & 8 and 7-A-1 & 3 (38.726 acres) into 100 residential and two commercial lots. He explained this a preliminary plat with a variance to the Subdivision Ordinance to allow variations in road construction standards and the length and units permitted on a cul-de-sac. The property is zoned R-3C, Multiple Dwelling Residential District (conditional), B-2C, General Business District (conditional), and B-2, General Business District and is located at 2675 South Main Street. The site is currently undeveloped. He reviewed the surrounding uses in the area. The proposed subdivision of Nelson Swartz's property would allow the development of a planned community featuring a variety of residential home options as well as a commercial center that would serve the community with different small-scale retail operations on roughly 39 acres of land in the Southern end of the City. In October 2001, this property was the subject of a rezoning request to adjust the zoning from a R-2, Residential District and B-2, General Business District to the current zoning. At the time of the rezoning the development plan was proffered and showed the existing layout of the preliminary plat. The plat shows the proposed business area on one lot and the residential neighborhood being divided into 58 townhomes, 30 patio homes and 12 single-family structures. The patio homes would be similar to duplex construction; however, each home would be a distinctly separate structure with shared driveway access with its neighbor. In addition, every two-patio homes would also be connected by a small utility shed, to conform to the existing two-family home regulations. The lots are served by two roads, Cedar Pointe Drive and Swartz Lane. The main road into the subdivision will be Cedar Pointe Drive. Cedar Pointe Drive begins off South Main Street as three lanes (60 feet wide), tapering to two lanes at

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the first rear entrance to the eastern townhomes, then continues on as two lanes (50 feet wide) to the cul-de-sac. Swartz Lane is the connector road between Cedar Pointe Drive and Pointe Drive with 68 feet of right-of-way. This road has an eleven foot wide landscaped median down the middle and 16 feet of drive lane on either side. Parking is restricted on both sides and the median's landscaping will be the responsibility of the Home/Property Owner's Association. The property owner has requested variances to Section 10-2-41(a), streets and alleys, of the Subdivision Ordinance which states that, proposed streets and alleys shall conform to the standards and specifications outlined in the Design and Construction Standards Manual. The owner states that the, unnecessary hardship which is peculiar to the property in question is due to the topography and shape of the lot. There is a large portion of this tract of land that does not lend itself to residential development. This area consists of very steep topography on the northern boundary of the site. The Subdivision Ordinance states that a variance can be granted where a subdivider can show that provisions for the Subdivision Ordinance would cause an unnecessary hardship if strictly adhered to, because of the topographical or other conditions peculiar to the site. The proposed site has very extreme topography in the northern portion of the residential development, therefore it was necessary to change the pattern of the street to accommodate the terrain. In addition, the subdivision ordinance allows developments that are residential planned unit developments. The subdivision ordinance allows these types of development as long as they provide adequate public spaces and improvements for circulation, recreation, light, air and service needs. The landscape median for Swartz Lane would fall under these provisions. The median will provide aesthetic and beauty to the townhouse neighborhood, while providing for the flow of pedestrian and vehicular traffic. The elevation changes and division between the business, townhomes, patio homes, and single-family homes provides the development with an overall sense of community, while buffering the area from the more intense uses along South Main Street. After review by staff, it is recommended that the plat with variances as noted be approved. He said that Planning Commission recommend approval for the preliminary plat with the variances. Vice-Mayor Peterson offered a motion that the Council resolve to approve this preliminary plat with the variances. 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

Senior Planner Anderson introduced a request by David and Teresa Walsh to subdivide tax map parcel 117-F-1 (approximately 11 acres) into five residential lots with a variance to Section 10-2-42(d) that requires all lots to front on a public street. The property is zoned R-1, Single-Family Residential District and is located at 620 Garber's Church Road. He said that there is one existing single-family house on the site located approximately 550 feet from Garber's Church Road. He reviewed the surrounding uses in the area. The preliminary plat requested would subdivide an eleven-acre lot into four lots, with two of these lots not having any road frontage. The layout presented will facilitate the relocation of a house that abuts the proposed

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driving range of the Heritage Oaks Golf Course. The subdivision would allow the current house existing at 776 Garber's Church Road to be relocated to Lot 3 as shown on the preliminary plat. The house is being relocated, so that the Heritage Oaks Golf Course can purchase the house's lot, otherwise an 80 foot, in height, safety net would need to be purchased and installed along the driving ranges' boundary to this and other residential properties. With the relocation of the house to Lot 3, the requirement for the net would not be needed and the Heritage Oaks Golf Course would own much of the land between the courses' current property and Garber's Church Road. Access to Lots 3 & 4 will be through a thirty-foot private access easement created along the southern boundary of Lots 5 & 4. This access will make possible a private drive that will be maintained by the property owners of Lots 3, 4, & 5 through a private maintenance agreement. The variance request, if approved, could set a precedent for development in this area as well as other areas of the City, because it could be perceived as if the City is giving itself a privilege and development standard lower than that expected and required of private developers and individuals. The variance should only be granted if Planning Commission feels the situation is justifiable unique and can articulate the reasons it merits special consideration. He said that Planning Commission recommended approval with a five to two vote to allow the lots not to front on a public street. Council Member Fitzgerald 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

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

City Attorney Miller presented an overview of a purchase agreement with Willow Lane Partners and the Kenneth Bahn Land acquisition agreement. He said that the Bahn property has an existing house that could present some difficulty for the driving range, if the City decided to add additional tees, unless an 80-foot net was installed. He reviewed some of the language in the agreement including a purchase price of \$70,200 for the real estate, paying Mr. Bahn \$100,000 to move the house, and Mr. Bahn purchasing lot number three for \$30,000 from the Walsh subdivision. Also, included in the negotiation is a price to remove an underground storage tank. Mr. Miller continued to review provisions in the agreement including that Mr. Bahn could remove the dwelling house and any improvements, but there will not be a fees for water and sewer hook-up at the new lot on the Walsh property. The City obligation to perform under this contract is continuant upon the purchaser closing on the real estate under negotiations with the Willow Lane Partners. Mr. Miller said that all three agreements had to be approved to meet the April 15th deadline. He said that he is working with another attorney on the Willow Lane Partners agreement.

Mr. Jay Litten, attorney with the law firm of Litten & Sipe, and representing Mr. Bahn said details in the language of the contracts have not been completed.

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Council Member Lantz expressed his disappointment that this agreement had not been resolved. He said, Vice-Mayor Peterson and I met last week with the representatives of Willow Lane Partners hoping that all three projects would be completed by tonight. I don't believe we should go forward with any of the deals until we can complete the mechanics of the agreement. I am disappointed they haven't occurred before tonight.

Mr. Litten said, My client has been trying to push forward the agreement since January. It is only technical aspects of the contract that need to be resolved and Mr. Miller and I should be able to complete those details.

Following further discussion and comments, Vice-Mayor Peterson offered a motion that the Council resolve to accept the contract. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

No - Council Member Lantz

Council Member Rogers

Abstained Mayor Frank

Some discussion by Council Members relative to agreement included issues still need to be worked through, manners of phasing the agreement, property exchange, haste to produce a contract, wanting a good contract, policy terms, some Council Members uncomfortable with agreement, implementations, assurance from both attorneys contract will not prevent the sale of the other properties, and certain obligations to deliver clear titles.

Council Members agreed to take a five-minute recess to let both attorneys further discuss the issues.

City Council proceeded with other agenda items while the attorneys continued to discuss the issues of the Willow Lane Partners and Kenneth Bahn Land acquisition agreements

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Council Member Rogers offered a motion that the Council approve a request by the Chamber of Commerce to use a City trolley for 45 minutes on April 20th for a conducted tour of the City. The motion to resolve was approved with a unanimous vote of Council.

Dr. James Perkins, President of Blue Ridge Community College, and Jean Gearing, a board member, presented an overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Ms. Gearing said the 2001-2002 year has been an exciting one for the college. Highlights of the college include record enrollment in credit and in non-credit classes, enrollment and credit classes in up over 16% from last year, ground breaking in construction of the Robert E. Plecker Work Force Center, completion of construction of the Regional Criminal Justice Training Academy, additional space for evening classes, a gymnasium for physical education, and laboratory space for more computing courses will help Blue Ridge Community College to expand without waiting for the state to catch up with space needs. She said that this year BRCC added an associate degree program in administration of justice. Completion and expansion of BRCC veterinary technology classroom and laboratory has allowed BRCC to expand the program from 60 to 80 on campus students and to 60 students enrolled in our distance-learning program. Our guarantee admissions agreement with James Madison University is already drawing larger numbers of younger full-time students to the college transfer program. Agreements with Mary Baldwin College and Old Dominion University are benefiting many adult students. The number of Harrisonburg residents enrolled in credit classes at BRCC for fall 2001 was 434 and approximately 244 non-credit students took classes at the Harrisonburg center. Distance learning through web-based courses is helping make BRCC more accessible to Harrisonburg residents. The next two years will be challenging ones for BRCC as the state struggles to overcome significant revenue shortfalls. This year the college budget was reduced over \$200,000 by the state and next year the reduction is projected \$400,00 and \$500,000 in 2004. Higher tuition, larger classes, slower growth fewer new initiative are the consequences BRCC faces. As always the college will deal with the challenges in ways which will have the smallest impact on the students. There is good news for BRCC because a proposed general obligation bond package includes over \$7 million in building projects for BRCC. A new \$5 million humanities and fine art program is the most exciting part of the project. Assuming the bond bill is signed by the Governor, BRCC will be working hard to secure voter approval in November. The City's financial support to the college has been an excellent investment in the future of Harrisonburg.

City Attorney Miller returned to the Council Chamber after continuing negotiations with Attorney Litten and explained that Mr. Bahn has committed to getting a reasonable bid for removing the underground storage tank. He reviewed other changes and wording in the paragraphs in the contract and the settlement date. Council Member Lantz offered a motion that the Council resolve to reconsider the purchase contract and authorize the City Manager sign on behalf of the City with the changes as presented.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

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Vice-Mayor Peterson

Mayor Frank

Absent None

City Attorney Miller presented for Council's consideration a draft of an agreement with the Willow Lane Partners. He explained that Willow Lane Partners owns a parcel of land consisting of 11.8 acres. Willow Lane Partners also owns another parcel, which he identified on a plat and said that it fronts on Garber's Church Road and is improved by a barn. The City wants to purchase this land from Willow Lane and established the price at \$30,200 per acre or \$181,200 pending a formal survey of the land. Per the negotiated agreement, the City also will reimburse Willow Lane about \$1,200 for costs spent by the partnership for engineering expenses for the Bridgewater College potential development. The City will also honor a lease Willow Lane has with a local farmer until it expires October 26, 2002. Mr. Miller continued to review language in the contract. Willow Lane set a price for the land at \$25,000 per acre, or about \$297,000, when adjusted for an official land survey. The price increases with an adjustment for the consumer price index every year after April 15, 2003. Mr. Miller said, "If we don't get an agreement tonight, there's no way to make an April 15 closing on any of these proposals." Mr. Miller continued to review the language in the contract including that the City would buy the additional 12 acres it now leases within three years. The one remaining issue is the engineering cost.

Vice-Mayor Peterson commented that it was only fair if the City does buy the six acres, it will agree and commit not to leave the other twelve acres land locked.

Attorney Litten asked City Council to purchase the land sooner rather than waiting six years.

Vice-Mayor Peterson said two years is too soon and he was not in favor of purchasing the property within two years.

City resident Mary Strate, a member of Willow Lane Partners, commented that using the CPI would put the landowners in a bind financially because we won't have the cash for the land, but the value is fixed. She said, "We can't access our money to do something that would be a better investment nor is this a good investment anymore for us." She asked Council to purchase the property within three years. She said, "We are feeling in a one down position in negotiations anyway because our choices were to negotiate with the City and take the best deal or have the net go up and have the property devalued."

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Following further discussion and comments, Council Member Fitzgerald offered a motion that the Council resolve to accept this agreement as written, but not setting a deadline on selling the property. The recorded roll call vote was taken as follows:

Vote: Yes Council Member Fitzgerald

No - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Council Member Lantz recommended that Mary Strate and the Willow Lane Partners needed to come up with something everybody can live with or we will have to accept this agreement, which mean the 80-foot netting will be erected. He also suggested a compromise of four and one-half years before the City purchase the land. He said, I thought that the seller were making an offer of a price and condition and we left the meeting held on Friday, March 22nd that everything was fine except for the consumer price index. Then Monday I received an e-mail stating that the seller were changing their minds on what was discussed at the meeting. I though the seller were making an offer to sell at \$25,000 an acre and the only thing they were concerned about was using the consumer price index as a gauge to value future value.

This issue was again tabled and the attorneys left Council Chamber to further discuss the issue and the meeting continued.

The presentation of water supply and demand as it relates to implementation of conservation measures was tabled until the next meeting.

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

PROJECT PROGRAMMING RESOLUTION

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

THEREFORE BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish a project for the reconstruction and extension of Stone Spring Road/Erickson Avenue from the East City limits to the West City limits.

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

BE IT FURTHER RESOLVED, that this project takes priority over all presently requested projects.

Adopted and approved this 26th day of March, 2002.

MAYOR

Attest:

CLERK OF COUNCIL

City Manager Baker explained that the Commonwealth Transportation Board would meet in Verona on April 5, 2002 at the Augusta County Government Center. This is the 2002 Virginia Transportations Program meeting formally called the pre-allocation hearing. This meeting is our single best opportunity to

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publicly influence the plan. Mr. Baker recommended that the City select one project this year and push it as our top priority. He said that staff recommends Stone Spring Road from East City limits to West City limits. Council Member Fitzgerald offered a motion that the Council resolve to adopt this resolution. The motion to resolve was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that the Council resolve to authorize the City Manager to enter into a contract for the Resource Recovery rebuild at an estimated cost of \$23,000,000. 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

City Manger Baker presented a request to amend Personnel Policy Section 5.7 Shared Leave. He explained there are two proposed changes in this section of the Personnel Policy. The first change removes a 10-day waiting period before an employee can get leave time donated to their account. The second change requires the employee donating leave to maintain a balance of 240 hours in their sick leave account after a donation is made. Vice-Mayor Peterson offered a motion that the Council resolve to amend this policy. The motion also included that the City Manager could amend the personnel policy as needed. The motion to resolve 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 would be used to purchase lap top computer through a Division of Motor Vehicles Grant. The Police Department had to purchase the lap top computer first and then will be reimbursed by the grant. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$1,468.87 chge. to: 1000-33524 DMV Grant (Federal)

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\$1,468.87 approp. to: 1000-310231-46010 Office Supplies

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

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used to purchase stop sticks. These funds were also available through a Division of Motor Vehicles grant. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$1,303.00 chge. to: 1000-33524 Federal DMV grant

\$1,303.00 approp. to: 1000-310231-46100 Police Supplies

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

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Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds will replace overtime money in the department's budget which was spent on weed and seed grant. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$10,93.07 chge. to: 1000-31901 Recoveries & Rebates

\$10,963.07 approp. to: 1000-310231-41020 Salaries/Wages OT

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

Bucky Berry, a resident of 877 North Main Street, suggested that City Council should learn to get along with each other.

Attorney Jay Litten returned to the Council Chamber and said, "After referring with my clients, the substance of the agreement that was in the motion on the floor will be acceptable to my clients." Vice-Mayor Peterson offered a motion that the Council resolve to reconsider the motion to accept the terms of the agreement. The recorded roll call vote was taken as follows:

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Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Vice-Mayor Peterson offered a motion that the Council resolve to appoint Jack D. Reich, 210 The Green, to a first term on the Industrial Development Authority, to expire on April 24, 2006. The motion to resolve was approved with a unanimous vote of Council.

At 11:36 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

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REGULAR MEETING

APRIL 9, 2002

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.

Council Member Rogers delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Council Member Fitzgerald offered a motion that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Vice-Mayor Peterson requested the unanimous consent of Council to change the agenda by adding a presentation by the Office on Children and Youth. This agenda item will be number 11 A.

Planning and Community Development Director Turner introduced a request by the Salvation Army for a special use permit to allow a charitable institutional use of a retail store and warehouse to locate within

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an existing warehouse in the M-1 zoning classification. The site is located at 245 East Washington Street. She reviewed the surrounding uses in the area. The Salvation Army has purchased the warehouse structure to create a larger storage area for its current operations in Harrisonburg. The applicant is requesting the special use permit to allow the creation of 6,000 square feet of retail sales area. If allowed, a new entrance and sales floor space would be created in the northeast corner of the warehouse. The remaining warehouse space would be used for donated material storage of the Salvation Army and separate storage space for any other material storage (in the southwest corner of the building). The parking area being utilized by the Salvation Army is required to have 32 parking spaces. The submitted site plan shows exactly 32 parking spaces for the warehousing and retail use. Due to the high traffic, staff feels that not allowing the storage of vehicles for sale will keep the spaces available for the retail customers and will not require any parking on East Washington Street. In addition, the limited amount of parking on the lot will not allow parking of any warehouse vehicles, since many of these vehicles are shared and currently parked at the two other Salvation Army facilities in the City. Staff does recommends approval of the special use permit to allow a charitable institutional use, which does not provide housing with the following conditions: 1) The property owner place signs at the parking lot entrances stating that the parking lot is to be used for customer parking only and that vehicle storage/drop-off should be done at another location. In addition, no parking is to be allow for the trucks, vans, etc., that are used in connection with the warehouse. 2) The property owner shall not allow the outside storage of materials or inoperable vehicles. 3) The special use permit shall remain valid for only the period of time the Salvation Army occupies the site. If the Salvation Army leaves the site, the parcel will revert to the current zoning of the area. She said that staff recommended approval of the Salvation Army special use permit and Planning Commission recommended unanimous approval of the request.

At 7:42 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, March 25, and Monday, April 1, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold public hearings on Tuesday, April 9, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

SPECIAL USE PERMIT- SALVATION ARMY PROPERTY

Public hearing to consider a request by the Salvation Army for a special use permit {per section 10-3-97 (9)} to allow a charitable institutional use of 6,000 square feet of retail space in an existing warehouse that they own. The site can be found on tax map parcel 33-B-5 through 10A and is located at 245 East Washington Street.

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 special use permit.

Bucky Berry, a resident living at 877 North Main Street, said that he had rung the bell for the Salvation Army for 22 years. He also said that the Salvation Army does a lot for the people in the community and having the store at this location would be very convenient for the citizens of Harrisonburg.

Gary Martin, Sr., a resident living at 274 East Johnson Street, said that he did not object to the Salvation Army using the building for a retail store and warehouse facility; however, he questioned whether it was a rumor that the facility might also be considered for a soup kitchen and a home for battered women.

Charlie Hampton introduced himself as the business administrator for the Salvation Army. He said the Salvation Army did not have any intentions or any plans to have anything located at this facility other than stated.

There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the

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regular session reconvened.

Vice-Mayor Peterson offered a motion that the Council resolve to approve this special use permit request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request by the Park View Mennonite Church for a special use permit to allow the operation of an Adult Day Care Program. Generations Crossing is a non-profit corporation proposing to operate an Adult Day Care facility providing care for elderly and impaired adults. The property is located at 1600 College Avenue. She reviewed the surrounding uses in the area. Generation Crossing has requested to create a licensed Adult Day care center in the lower level of the Park View Mennonite Church, which will serve approximately 18 adults. The church currently has adequate space to house the facility and sufficient parking to support the use. The entrance into the center would be from the eastern side of the building and would directly access the space to be utilized. In a letter submitted by the applicant they state that Generations Crossing is a newly formed non-profit program with a mission for providing quality day care services to both adults and children in the Harrisonburg and Rockingham community. She said that staff does recommend approval of the special use permit to allow the Generation Crossing Adult Day Care Center use, with the following conditions: 1) Regular hours of operation for the site are to be restricted to Monday through Friday between 7:00 a.m. to 6:00 p.m. 2) The special use permit shall remain valid for only the period of time an Adult Day Care Center occupies the site. If the Adult Day Care Center leave the site, the parcel will revert to the current zoning of the area. She said that Planning Commission recommended approval.

At 7:46 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, March 25, and Monday, April 1, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold public hearings on Tuesday, April 9, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

SPECIAL USE PERMIT- PARK VIEW MENNONITE CHURCH

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Public hearing to consider a request by Park View Mennonite Church for a special use permit {per section 10-3-40 (2)} to allow the operation of an Adult Day Care Program by Generations Crossing, a non-profit corporation that provides care for elderly and impaired adults. The property is identified as tax map 52-G-5 and is located at 1600 College Avenue.

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 present desiring to speak for or against this special use permit.

Besty Hay, executive director of Generation's Crossing, said her organization proposes to provide an adult day care center to provide a safe environment for individuals who require supervision for daily activities. Ms. Hay said that she has received permission from the church to install alarms on the exit doors in the area where the program will operate. This would notify staff if anyone was attempting to leave the facility. She said that this is a temporary location. They have contracted with the church to use this space for up to one year. The hope and goal of Generation's Crossing is to find a location where they would be able to provide both child and adult day care under one roof.

There being no others desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened.

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Council Member Rogers offered a motion that the Council resolve to approve this special use permit request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request by property owners Mervin and Ellen Rutt, with contract purchaser Raymond Ressler, for a special use permit to allow not more than three (3) individuals to occupy each side of a two-family dwelling unit. The property is zoned R-2 Residential District and is located at 1321 Greystone Street. Currently, the lot is undeveloped and sits between two single-family dwellings to the East and West. She reviewed the surrounding uses in the area. Mr. Ressler states that he purchased the lot at 1321 Greystone Street and plans to build a three bedroom duplex. Staff did a door-to-door survey of the neighborhood to find out the existing uses and density in the existing houses along Summit Avenue, Greystone Street (to Smith Avenue), and Hillside Avenue. The only non-developed area was across Greystone Street. The area consists of a mixture of uses in the area. The property is between two single-family dwellings. After consideration by staff, it was recommended approving the request with the following conditions being applied to the property. These considerations should protect the surrounding properties from the increased density: 1) A total of eight (8) off-street parking spaces must be provided on the property as shown in his submitted site plan. There is enough room at the rear of the property to provide for this requirement and any additional the property owners feels is needed. 2) The property shall be inspected on an annual basis, similar to the boarding house in inspection, to ensure building code requirements are met and the number of people residing on the premise meets the criteria of the permit. 3) The Zoning Administrator shall revoke the permit, if this inspection does not take place every twelve (12) months. Staff shall be authorized to review complaints received on the property on an on-going basis and based on their findings, notify the landlord that the permit is being revoked unless they wish to reapply for a special use permit. 5) The permit shall automatically expire one year from the date of City Council approval and is renewable administratively on an annual basis provided the use is still permitted by the Zoning Ordinance. 6) A landscaping buffer shall be place and maintained along the eastern, western, and southern parking areas, with mixed evergreen trees and/or shrubbery which create an opaque buffer which shall shield adjoining property owners from the increased density and traffic. Mr. Ressler's proposal would fit with the mixed uses currently existing in the area, due to the multiple housing types and densities within the neighborhood. In addition, Mr. Ressler lives within the neighborhood and already owns three other rental units adjoining or near his house and should be able to control situations within the area easier, than if he did not live in the neighborhood. Staff recommended approval with these conditions; however, when Planning

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Commission reviewed the request they had significant concerns with the impact that this type of tenant occupancy could have on the surrounding neighborhood. Planning Commission felt that this neighborhood has the potential of being a nice single-family neighborhood. She said that Planning Commission unanimously recommended denial of the request.

At 7:57 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, March 25, and Monday, April 1, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold public hearings on Tuesday, April 9, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

SPECIAL USE PERMIT- RAYMOND RESSLER

-

Public hearing to consider a request by property owners Mervin and Ellen Rutt, with contract purchaser Raymond Ressler, for a special use permit {per section 10-3-40 (7)} to allow not more than four (4) individuals to occupy each side of a two-family dwelling unit proposed to be located at 1331 Greystone Street. The property is zoned R-2, Residential District and can be found on tax map parcel 125-B-7.

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 present desiring to speak for or against this special use permit.

Raymond Ressler, a resident living at 899 Hillside Avenue, said there was a need for affordable housing in the area. He said that he had revised his request to limit three people per unit because of the Planning Commission's concern. He said that he lives within the neighborhood and takes care of his property.

Harley Showalter, a resident living at 861 Summit Avenue, said that as a traveler of Greystone Street, it already has congested parking problems. He also noted that under certain weather conditions the parking creates hazardous situations and the area didn't need more congestions. He requested that City Council deny the request.

There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the

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regular session reconvened.

Vice-Mayor Peterson offered a motion that the Council resolve to deny this request for a special use permit. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request by Lewis Bagwell to rezone 21,153 square feet of land from M-1, General Industrial District to R-2, Residential District. The site is located at 707 and 715 North Main Street. She explained that the Comprehensive Plan's Land Use Guide shows the property as Commercial. The Commercial designation consists of land and structures used for retail, wholesale, or service functions. These areas are found along the major travel corridors and in the Central Business District of the City. According to the Comprehensive Plan, the purpose of the Commercial designation is to encourage a central shopping area of diverse, but compatible uses. The site contains two parcels of property, which abutting each other, each with two-story single-family homes zoned M-1, General Industrial. She reviewed the surrounding uses in the area. For the past several years the City has had zoning issues with the properties located at 707 and 715 North Main Street. In May of 2000 the Zoning Administrator informed the previous owner of the property at 707 North Main Street of the violation to the City's trash and inoperable vehicle ordinances. The Zoning Administrator repeatedly sent letters to the property owner asking for the violation to be corrected. Some trash was removed, but the inoperable vehicles still remained. During this time the property was purchased by Mr. Lewis Bagwell. In September of 2000, an adjoining property owner reported inoperable vehicles on the Bagwell property. This in turn prompted an inspection from the City Zoning Administrator who informed Mr. Bagwell by letter of the violation. When he came in to discuss this letter with City staff he was informed of the restrictions on the uses of these properties because of their location in the M-1, General Industrial zoning district. In a letter dated June 13, 2001, the Zoning Administrator clearly outlined the nonconforming nature of the dwelling located at 707 North Main Street. Because of this nonconforming use in the M-1, General Industrial District he was informed that he would not be able to convert the structure into two dwelling units. Several months later, after renovations to the property were nearing completion, City Building Officials inspected the property. After noticing roughed-in plumbing on the second floor that indicated a future kitchen installation and the removal of the interior stairway to the second floor, Mr. Bagwell was reminded that the structure could not be converted into two units. The plumbing was capped and a note was placed on the Certificate of Occupancy that the building was to be used as single family dwelling only.

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The structure at 715 North Main Street has a similar history. In July of 2000, Mr. Bagwell met with the Zoning Administrator to discuss what uses were available for the property. He was informed verbally and in a letter dated August 11, 2000 that because of the M-1 zoning classification he would be unable to use the structure as a dwelling. City records showed that the property has stood vacant for more than 24 months, thus nullifying the nonconforming use protection that the structure at 707 North Main Street had maintained. The Zoning Administrator stated that if Mr. Bagwell had records indicating that the property had been used as a legal non-conforming use in the 24 months she would further research the matter. No information was provided.

In December of 2001, after he was informed that he could not convert the abandoned structure at 715 North Main Street into rental units, Mr. Bagwell applied for building permits to install a new kitchen and bathroom in the building. The permit was denied. The Zoning Administrator again informed Mr. Bagwell in a letter dated January 3, 2002 that the M-1, General Industrial District does not allow dwelling units, therefore the existing structure cannot be used as a residence. Mrs. Turner reviewed Section 10-3-20(1) of the Zoning Ordinance.

The property located at 707 North Main Street is allowed to continue its nonconforming use as a single-family dwelling unit because the structure has served as this use at some point within the past 24 months. Creating two units, or duplexing the property would be in violation of the City zoning ordinance; however, the letter submitted by Mr. Bagwell to City staff for consideration for the rezoning request indicated that he has already converted each of the structures on the two properties into two unit apartments. City records indicate that the property located at 707 North Main Street has a lot area of only 7,288 square feet making it impossible to be split into two units. The parcel at 715 North Main Street has a lot size of 13,865 square feet and therefore if rezoned it could be used for two dwelling units.

It should be noted that Mr. Bagwell has made drastic improvements to both of the properties. Photographs taken in 2000 show the two properties in very poor condition with numerous zoning violations on each site. Since that time, he has greatly improved both properties by removing trash, inoperable vehicles, and by making structural improvements to both the interior and exterior of the structures by adding new siding and paint. He has served as a strong example of positive change for the surrounding properties in the north end of town. It is; however, the opinion of planning staff that a residential use at this location is not in the best interest of the City, due to the fact that this section of town is predominantly occupied by industrial and commercial uses. She said that the Comprehensive Plan identified North Main Street as being suitable for commercial development. She explained that Planning Commission reviewed City staff's recommendation not to approve this request and had a very labored discussion of this issue because Planning Commission had a lot of support for the work Mr. Bagwell has done on the property. However, Mrs. Turner said that Planning Commission recommended denying this rezoning request by a four to three vote.

At 8:10 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, March 25, and Monday, April 1, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold public hearings on Tuesday, April 9, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING- LEWIS BAGWELL PROPERTY

-

Public hearing to consider a request by Lewis Bagwell, with representative William Pye, to rezone 21,153 square feet of land from M-1, General Industrial District to R-2, Residential District. The site is represented by tax map 40-T-9 & 10 and is located at 707 and 715 North Main Street.

The Comprehensive Plan designates this area as Commercial. This designation calls for commercial uses including retail, wholesale, or service functions. These are areas found along the major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the M-1, General Industrial District is intended for the manufacturing, processing, storage and distribution activities that are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-2, Residential District is intended for medium density, single-family, and two-family residential development and for areas where such development is likely to occur in the future, together with certain governmental, educational, religious, recreational and utility uses subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. Minimum required lot sizes range from 7,000 sq. ft. for single-family homes to 11,000 sq. ft. for two-family homes in the R-2 district.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at 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 present desiring to speak for or against this rezoning request.

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Bucky Berry, a resident of 877 North Main Street, recommended that City Council approve this request.

Doris Pye, a resident living at 250 Hartman Drive, said she was favor of this request. Mr. Bagwell has done a lot of work to improve this property and removed an eyesore from the area.

Lewis Bagwell, a resident living at 225 Bridgeport Drive, Bridewater, Virginia said that he has lived in the area his whole life and knows a lot about the North end of Harrisonburg. He said he did not know what he was getting into with these properties. He said that he was involved in a program with the Harrisonburg Redevelopment and Housing Authority and received weekly telephone calls from people seeking low-income housing. We re a car dealer, we re a small business, and ever since 9-11, I don t need to tell anybody the consequences that have occurred. We were faced with the most horrific downturn spiral in business that we had ever seen, on top of a recession that was already taking a big bit out of investment. This project is good for the City, for businesses, and it is good for mankind. He requested that City Council approve this request.

There being no others desiring to be heard, the public hearing was declared closed at 8:15 p.m., and the regular session reconvened.

Following further discussion and comments, Vice-Mayor Peterson offered a motion that the Council resolve to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

 Council Member Rogers

 Vice-Mayor Peterson

 Council Member Fitzgerald

 Mayor Frank

Absent None

City Manager Baker requested the Section 10-3-110 amending Article T., Modifications and Adjustments to the Zoning Ordinance be tabled.

Council Member Fitzgerald offered a motion that the Council resolve to table discussion for 30 days of a report by the City Attorney. However, he withdrew his motion after not receiving any support from other Council Members.

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City Attorney Miller presented a brief overview on his findings concerning the guidelines/restrictions on displaying political signs at a Council meeting. He quoted City Code Section 2-3-6, which states, "Every member of the Council shall confine himself to the question before the Council and avoid personal, or indecorous language. No discussion of a sectarian or political nature shall be allowed. No member shall interrupt another while speaking, except to make a point of order, the point to be briefly stated to the presiding officer. He said that the language Council should focus on was a particular incident, which occurred at the last Council meeting. It is the part stating that no discussion of a political nature shall be allowed. As far as process or procedure is concerned, it is up to the Council to enforce this ordinance. Mr. Miller said that it is difficult to determine whether a particular statement or action arose to the level of being discussion of a political nature. He quoted City Code Section 2-2-2, which states, "The Council may, by a majority vote of its whole number, punish one of its own members for disorderly behavior by a fine not exceeding \$50 and may, by a three-fifths (3/5) vote of its whole number, expel a member of its own body for malfeasance or misfeasance in office. Mr. Miller said, "The City Code allows the Council to punish its own members with a fine or expulsion from office, but I would not recommend it. Even discussion of expelling a member of Council is exceedingly rare, even bringing it up. Council Member Rogers offered a motion that the Council resolve to table this issue.

Vice-Mayor Peterson said, "I thought I was doing my best to correct an error and doing it by speaking for under one minute, saying to people if you want to see the detailed explanation of what I think the error is, here is a place you can go. At that point, I wasn't thinking terribly clearly, I probably shouldn't have used the CHANGE web site, but it was the most convenient one for me to you. I am amazed to hear people even considering fining me for something like this. If one wants to worry about having political discourse of Council, tonight Council Member Lantz gave an invocation asking the people of Harrisonburg to give thanks for the fact that we have the second lowest property tax in the commonwealth which is a major point in his election campaign. I did not set back and say that is bringing politics into Council. A few weeks earlier Mr. Lantz informed us there is misinformation going around the City about the bond issue and he wanted to correct it. That could be misunderstood as bringing politics into Council Chambers. I admit I shouldn't have used the CHANGE web site. That's such a minor thing for this to be blown up and continuing with this issue at this point it's almost laughable.

Council Member Fitzgerald said, "I do not want to go on with this, but I do want to point out that it is not laughable. What you did Vice-Mayor Peterson was wrong. You shouldn't have done it.

Council Member Lantz said we pray for natural resources, a good labor force and I didn't realize that by praying to acknowledge we have a low tax rate would get me into trouble. It is a compliment to everybody that has served on this Council that we have a low tax rate. My presentation was non-political. Anytime this body takes action and there is a rumor going around in the community that something is wrong, then we have a right as Council Members to defend it. We need to set the record straight. The City is financially better off by issuing the bonds last fall than they are right now. The City is saving money. Mr. Lantz said, "I don't want anybody to think that's the action we're going to pursue is dismissal because this may not be the only time something like this comes up.

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Mayor Frank said that she believed we should always give thanks to God for all good things.

Council Member Rogers again offered a motion that the Council resolve to table this issue until the City Attorney can conduct further research concerning this matter. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

No - Mayor Frank

Absent None

City Manager Baker presented an overview of the proposed 2002-2003 budget to the City Council. He explained that pursuant to Section 60 of the City's Charter, a balanced budget is presented for the fiscal year ending June 30, 2003. It is suggested that a public hearing and first reading be held on April 23, 2002 and that the final adoption of the budget occur on May 14, 2002. The City's Charter requires that the budget be adopted by June 1, 2002. One of the major jobs of the City Manager and his staff is the preparation of the annual budget. The guiding force behind this budget has been staff's continued commitment to the cost efficient delivery of services, to the Principles of Continuous Improvement and to the attainment of Council's goals. The proposed budget's primary goal is to provide the means by which services are delivered to the citizens of Harrisonburg in the most cost-effective manner. The review and adoption of the budget represents one of the Council's most important activities. The City continues to be in a growth situation as evidenced by the latest population figure of 40,900 as estimated by the Weldon Cooper Center of Public Service. This population increase represents a 2.8% annual growth rate since 1990. For this time period, the City's population growth rates second among all independent cities. The proposed budget recognizes the increased demand for services while being sensitive to the need to hold expenditure levels to a minimum. The proposed budget represents a 46.4% decrease in net expenditures from the fiscal year 2002 budget as amended (13.1% decrease when compared to the original 2002 budget), while moving forward towards many of the City's priorities. The decrease from the current year budget is mainly due to a decrease in capital projects expenditures. This budget has been prepared through a conscientious and coordinated effort by all City departments and represents a team approach by City employees. A continued major commitment remains to the funding for education, public safety, roads, public utilities and the maintenance of existing infrastructure. The General Fund budget that I am present to you is balanced without any recommendation tax or fee increase, although \$3,549,750 in budgetary revenue will come from fund balance. Based upon projected needs, future year budgets will probably not be able to be balanced without a decrease in services and capital

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projects or additional revenue. Therefore, I recommend that we consider developing some new revenue generating options. Some of these options may require General Assembly approval such as a tobacco tax. This budget format is similar to prior years, with detailed explanations by fund and by major function areas in the General Fund. A number of charts and graphs have also been included in order to assist with the explanation of the budget document. The section on performance based budgeting is again included with the budget document. We will continue to refine the presentation of this budget format in future years. Staff is committed to implementing this management tool that will provide for a better link between the allocation of funds to planned service efforts and accomplishments. Mr. Baker reviewed the 2000 retreat goals. The proposed budget reflects sensitivity to the need to keep expenditure levels to a minimum as evidenced by the ability to provide current service levels without any tax rate or fee increases in the General Fund. It also reflects a commitment to the City's adopted Mission Statement, Organizational Values, 2000 City Council Retreat Goals and Total Quality Management. Primary emphasis is placed on education, public safety, roads and public utilities.

Capital outlay expenditures have been reviewed with an attempt not to delay items that would reduce current service levels or would add greatly to future costs. Most priority 1 and 2 Capital Improvement Projects are proposed to be funded. Emphasis is placed on capital outlay in this budget due to the aging infrastructure of the City. **NO** priority 3 projects are proposed due to funding restraints. Schools represent the largest single expenditure in the City budget. The proposed transfer and the school related debt service expenditures paid from the General Fund is 43.3% of the total General Fund budget. After adjusting for the accounting change in debt service mentioned previously, the proposed School Fund budget is \$2,101,503 or 6.3% higher than the original fiscal year 2002 budget. The City's proposed funding represents a \$789,147 or a 4.3% increase over the current years funding. This proposed appropriation represents 78% of the estimated new General Fund revenues for 2003. For the City to provide 78% of new General Fund revenue again speaks loudly as to the priority placed on schools. The proposed appropriation and school debt service is \$35,412,183. In addition, another \$150,000 is proposed in the Public Transportation budget for purchase of new school buses. The primary increases (based on the biennial real estate reassessment and growth, not rate increases) will occur in property taxes, business license taxes, lodging taxes, meal taxes and public right-of-way user fees. Also, HEC is expected to increase its contribution by \$200,000 for a total of \$3.6 million. **NO INCREASE IN TAX RATES IS PROPOSED IN ORDER TO BALANCE THE GENERAL FUND BUDGET!** Harrisonburg has the **second** lowest nominal real estate tax rate among all independent cities and sixth on personal property rates for motor vehicles. Harrisonburg is ahead of Charlottesville according to population. The total Police Department budget has increased less than 1.0% when compared to the amended fiscal year 2002 budget. Non-departmental contributions include Juvenile Detention Center, Massanutten Regional Library, Upper Valley Regional Park Authority, Blue Ridge Legal Services and the Salvation Army. Most of these agencies received the same amount except for the Office on Children and Youth, which was cut from the state and City of Harrisonburg. Reserve for Contingencies is budgeted at \$683,766. \$200,000 of the appropriation is for unplanned expenditures. The remaining funds will be used to implement a new pay and benefits study recommendation. Proposed expenditures in the General Capital Projects Fund includes widening of Cantrell Avenue, resurfacing nearly 10 miles of City streets, a traffic calming project, replacing deteriorated sidewalks, replacing various construction equipment, rebuilding the steam plant, playground equipment replacement, and the Hardesty-Higgins House renovations. Each department has made a commitment to continuously look for ways to become more cost efficient. The new employees that are being added are necessary to maintain and improve the current service levels. It becomes increasingly important that the City maintain a competitive wage and fringe benefit package in order to attract and retain highly qualified and motivated employees who in many cases are being asked to do more with less. Each department budget includes adequate funding to provide for a 2% pay adjustment to cover the increase in health insurance premiums. Employees that are recommended to receive a salary adjustment resulting from the pay and benefits study will be eligible to receive it on their respective anniversary dates. This will help spread the cost of the salary adjustments over

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the entire year. In conjunction with the pay study, a new performance appraisal process and form will also be implemented. There will be no merit pay increases associated with employee's performance appraisals as recommended by the performance appraisal evaluation team. Premiums for health insurance will increase for the next fiscal year by 20%. The City currently contributes 70% towards the cost of health insurance for all full-time employees and the employee pays the remaining 30%. Mr. Baker reviewed the proposed new positions.

Council Member Lantz suggested that the City provide more money for tourism. He said, "A dollar invested in tourism returns sevenfold to the community that invested that dollar. We're pretty pathetic when it comes to funding our tourism compared to what other localities do." Council Member Rogers suggested that Rockingham County should also increase its contribution.

Vice-Mayor Peterson proposed scheduling a work session on April 17th at 5:30 p.m.

Jane Hubbell, Director of the Office on Children and Youth for Harrisonburg and Rockingham County, presented a brief report on the Office on Children and Youth. She requested that the City reconsider submitting into the budget \$16,670.00 to support the efforts of the Office on Children and Youth. Many people in the community worked for ten years to get funding for the Office on Children and Youth through the state grant. It is a grant provided within the Department of Juvenile Justice budget. She reviewed a procedure used by the state to include funding for the Office on Children and Youth in with the Virginia Juvenile Community Crime Control Acts Fund (VJCCCA). However, funding for Children and Youth was eliminated from the budget. Last year the total from the State grant (\$40,000) and the City and County match (\$6,670.00 each) was \$53,340.00. She said that OCY is asking for only \$16,670.00 from the City and the same amount from the County to help us stay open. OCY will be receiving support from United Way and some other small grant contributors to make up the rest. Office on Children and Youth is very small; however, has accomplished a tremendous amount by conducting long-range planning. She said OCY work with all of the youth serving community to provide the data necessary to write grants. Through the data developed in the last four years, over \$2 million in new grant money has come into this community. She also noted that the organization would have to close its doors as of July 1 if we are unable to receive some small amount of funding from the City and County. Following further discussion and comments, Council Member Rogers offered a motion that the Council resolve to approve adding \$16,670.00 to the budget in support of the Office on Children and Youth. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

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Absent None

Vice-Mayor Peterson offered a motion to increase the Heritage Oaks Golf Course petty cash by an additional \$300.00. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Mike Shaffren and Marcia DuBois representing the Arc and VAIL presented an overview of a proposal from the partnership. Arc and VAIL are non profit organizations embarking on a joint building campaign to create a facility that would house both organizations and offer conference space for community events. It is believed this project combines community resources in an efficient, cost-effective manner. Currently, the Arc is housed in the basement of the Simms building and needs to relocate due to inadequate space, poor lighting and air conditioning. Additionally, the limited space for individuals with physical disabilities makes it almost impossible to provide services in this environment. The Arc owns approximately one acre of prime land in close proximity to the Simms building, but unfortunately this land is not ideally suited for the Arc's development needs. Mr. Shaffren said the Arc has been serving individuals with mental retardation for the last 50 years. The organization developed because there were no services for these individuals. Over the year or two, the Arc has changed directions and is serving all individuals with developmental disabilities. It has made the mission more difficult. The Arc needs a more functional site. Ms. DuBois said that VAIL's mission is to promote self-direction among people with disabilities and to remove barriers to independent living in the community. One of the biggest barriers is that the office is so small that when people come to visit have no private place to meet with staff. Most of the work is done in the community, but people do come into the office to learn about the services. The Arc and VAIL have identified an ideal building site located off of South High Street. This property is on a slope and would require the creation of approximately 500 feet of new road, water, and sewer to the site. The owner of the property has indicated a willingness to donate a substantial amount of land in exchange for the installation of the new road, water and sewer. We believe that this situation presents the perfect opportunity for the City to invest in this project by building the road, water line, and sewer in exchange for the Arc's property. This would allow the City to support two local non-profit organizations serving over 250 individuals with disabilities and their families in this community. Additionally, the City would receive land located near the Simms building in return for its expense. We believe this partnership offers a win-win proposition for all parties. Following further

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discussion and comments, Council Member Fitzgerald offered a motion that the Council resolve to refer this request to City staff for their recommendation.

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HARRISONBURG, VIRGINIA
(Westridge-Oxford Limited Partnership)**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the Authority) has held a public hearing on March 27 2002 on amendments to its Multifamily Housing Revenue Refunding Bonds (Westridge Oxford Project) issued in 1996 in an amount not to exceed \$14,000,000 (the Bonds) to assist Westridge Oxford Limited Partnership, a Maryland limited partnership (the Developer), in refinancing the acquisition and construction of a multi family apartment project of approximately 220 units (the Project) located at 3937 Pennhurst Lane in Prince William County, Virginia; and

WHEREAS, the Authority has recommended that the City Council of the City of Harrisonburg, Virginia (the City Council) approve the amendments to the Bonds and the termination of certain agreements with respect to the Bonds to comply with Section 147(f)(2) of the Internal Revenue Code of 1986, as amended (the Code) and Virginia Code Section 36-19.2; and

WHEREAS, a copy of the Authority s resolution recommending such approval by the City Council and approving the amendments to the Bonds and the termination of certain agreements with respect to the Bonds, subject to terms to be agreed upon, a record of the public hearing and a fiscal impact statement with respect to the Project have been filed with the City Council;

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

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

The City Council approves the amendments to the Bonds and termination of certain agreements with respect to the Bonds for the benefit of the Developer to the extent required by Section 147(f)(2) of the Code and Virginia Code Section 36-19.2.

The approval of the amendments to the Bonds and termination of certain agreements with respect to the Bonds, as required by Section 147(f)(2) of the Code and Virginia Code Section 36-19.2, does not constitute an endorsement of the Bonds or the creditworthiness of the Developer, but, as required by Virginia Code Section 36-29, the Bonds shall provide that the Bonds shall not be a debt of the Commonwealth of Virginia or any political subdivision thereof, including but not limited to the City of Harrisonburg, the Authority (other than through a pledge of revenues of the Project) or the County of Prince William, and neither the City of Harrisonburg nor the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

This resolution shall take effect immediately upon its adoption.

CERTIFICATE

-

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 following vote of the members of the City Council present and voting at a meeting duly called and held on April 9, 2002, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

<u>MEMBER</u>	<u>VOTE</u>
Carolyn W. Frank	Aye
Dorn W. Peterson	Aye
Joseph Gus Fitzgerald	Aye
Hugh J. Lantz	Aye
Larry M. Rogers	Aye

WITNESS the following signature this 9th day of April, 2002.

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By _____

Clerk, City Council of the City of Harrisonburg, Virginia

Harrisonburg Redevelopment and Housing Authority Director Michael Wong explained that the financing would be through the Redevelopment and Housing Authority authorizing the sale of \$14 million in bonds for a project in Prince William County. The bonds will not be a debt or obligation of the City. Council Member Lantz offered a motion that Council resolve to approve this resolution issuing the revenue bonds for a project in Prince William County. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

City Attorney Miller presented a brief overview of Adelphia franchise. He said that the proposed contract is for 15 years with an automatic renewal of five years. It is a non-exclusive contract and another cable company could come to the City and offer cable service. There are FCC rules and regulations concerning airing time and some channels have to be used for broadcasting. The City can negotiate the contract; however, since FCC laws have changed so much localities cannot control the cable company. Mr. Miller pointed out that if the City does not renew the franchise under the existing agreement, which was signed 15 years ago, Adelphia is still required to provide service until an agreement is reached.

Public Utilities Director Collins presented a brief overview of the City water supply as it relates to implementation of conservation measures. He said that if a drought existed in the City, Section 7-2-19 of the City Code establishes implementation activities associated with various levels of conservation practices. The first level is voluntary which is educational, the second level is mandatory which impacts the quality of life in terms of irrigation, landscaping, certain types of recreational practices, and water rate increases, and the last level is emergency, which would have an impact on industry in the City. Mr. Collins said that he didn't intend to change the ordinance. He also said he wanted to place the information on the web page. He reviewed the water conservation planning matrix chart. Four criteria are listed; any one of these could trigger the implementation schedule. The criteria are 1) North River environmental initiative, 2) the City demand-WTP capacity relationship, 3) the level of water in the Switzer Reservoir and 4) the City supply-demand relationship. He also said that the water treatment facility must meet demands on a weekly

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duration, using change in storage to accommodate daily usage patterns. At 49 million gallons per week, the facility must extend normal hours of operation to seven days per week 24 hours per day with overtime staffing. Mr. Collins said that the City is undertaking a big project, but will be in a wonderful situation with water supply once the City completes the Shenandoah project for a long time.

Bucky Berry, a resident of 877 North Main Street, suggested that City Council should learn to get along with each other.

At 11:00 p.m., Vice-Mayor Peterson offered a motion that the Council resolve to enter a closed session for the purpose of a consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Council. A closed session is permissible for this purpose to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code).

At 11:02 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened were heard, discussed or considered in the closed session by the City Council.

At 11:03 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council

City Manager

Assistant City Manager

MINUTES - REGULAR MEETING OF CITY COUNCIL - APRIL 9, 2002

Public Library

MINUTES - REGULAR MEETING OF CITY COUNCIL - APRIL 23, 2002

REGULAR MEETING

APRIL 23, 2002

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

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

Council Member Fitzgerald offered a motion that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of a rezoning request by Lewis Bagwell. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Vice-Mayor Peterson requested the unanimous consent of Council to change the agenda by adding a presentation by the Convention and Visitors Bureau and to consider a request for preliminary subdivision approval for Beacon Hill. These agenda items will be number 5A and 5B.

City Manager Baker presented the proposed 2002-2003 budget. The City's Charter requires that the budget be adopted by June 1, 2002. He reiterated that the City continued to be in a growth situation as

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evidenced by the latest population figures of 40,900. The proposed budget represents a 46.4% decrease in net expenditures from the fiscal year 2002 budget as amended (13.1% decrease when compared to the original 2002 budget), while moving forward towards many of the City's priorities. The decrease from the current year budget is mainly due to a decrease in capital projects expenditures. The guiding force behind this budget has been staff's continued commitment to the cost efficient delivery of services and attainment of Council's goals. The proposed budget's primary goals are to provide the means by which services are delivered to the citizens of Harrisonburg in the most cost-effective manner. A continued major commitment remains to the funding for education, public safety, roads, public utilities and the maintenance of existing infrastructure. The General Fund budget includes \$3,549,750 in budgetary revenue from the fund balance. In the future the City may have to consider developing some new revenue generating options. This budget format is similar to prior years, with detailed explanations by fund and by major function areas in the General Fund. A number of charts and graphs have also been included in order to assist with the explanation of the budget document. We will continue to refine the presentation of this budget format in future years. Staff is committed to implementing this management tool that will provide for a better link between the allocation of funds to planned service efforts and accomplishments. Mr. Baker reviewed the 2000 retreat goals. The proposed budget reflects sensitivity to the need to keep expenditure levels to a minimum as evidenced by the ability to provide current service levels without any tax rate or fee increases in the General Fund. The review and adoption of the budget represents one of the Council's most important activities. The population increase represents a 2.8% annual growth rate since 1990. For this time period, the City's population growth rates were second among all independent cities. The proposed budget recognizes the increased demand for services while being sensitive to the need to hold expenditure levels to a minimum. This budget has been prepared through a conscientious and coordinated effort by all City departments and represents a team approach by City employees. It also reflects a commitment to the City's adopted Mission Statement, Organizational Values, 2000 City Council Retreat Goals and Total Quality Management. Primary emphasis is placed on education, public safety, roads and public utilities.

Capital outlay expenditures have been reviewed with an attempt not to delay items that would reduce current service levels or would add greatly to future costs. Most priority 1 and 2 Capital Improvement Projects are proposed to be funded. Emphasis is placed on capital outlay in this budget due to the aging infrastructure of the City. **NO** priority 3 projects are proposed due to funding restraints. Schools represent the largest single expenditure in the City budget. The proposed transfer and the school related debt service expenditures paid from the General Fund is 43.3% of the total General Fund budget. After adjusting for the accounting change in debt service mentioned previously, the proposed School Fund budget is \$2,101,503 or 6.3% higher than the original fiscal year 2002 budget. The City's proposed funding represents a \$789,147 or a 4.3% increase over the current years funding. This proposed appropriation represents 78% of the estimated new General Fund revenues for 2003. For the City to provide 78% of new General Fund revenue again speaks loudly as to the priority placed on schools. The proposed appropriation and school debt service is \$35,412,183. In addition, another \$150,000 is proposed in the Public Transportation budget for purchase of new school buses. The primary increases (based on the biennial real estate reassessment and growth, not rate increases) will occur in property taxes, business license taxes, lodging taxes, meal taxes and public right-of-way user fees. Also, HEC is expected to increase its contribution by \$200,000 for a total of \$3.6 million. Harrisonburg has the **second** lowest nominal real estate tax rate among all independent cities and sixth on personal property rates for motor vehicles. Harrisonburg is ahead of Charlottesville according to population. Reserve for Contingencies is budgeted at \$683,766. The remaining funds will be used to implement a new pay and benefits study recommendation. Proposed expenditures in the General Capital Projects Fund include widening of Cantrell Avenue, resurfacing nearly 10 miles of City streets, a traffic calming project, replacing deteriorated sidewalks, replacing various construction equipment, rebuilding the steam plant, playground equipment replacement, purchasing new school buses, and the Hardesty-Higgins House renovations. Each department has made a commitment to continuously look for ways to become more cost efficient. The new employees that are being

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added are necessary to maintain and improve the current service levels. It becomes increasingly important that the City maintain a competitive wage and fringe benefit package in order to attract and retain highly qualified and motivated employees who in many cases are being asked to do more with less.

At 7:46 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 15, 2002.

CITY OF HARRISONBURG, VIRGINIA

PROPOSED BUDGET FOR

FISCAL YEAR ENDED JUNE 30, 2003

For information and fiscal planning purposes only

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 23, 2002 at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.

<u>Revenues By Funds</u>	<u>2001-02</u>		<u>2002-03</u>	
	<u>Original</u>	<u>Amendments</u>	<u>Amended</u>	<u>As Proposed</u>
Operating:				
General	57,071,853	4,694,955	61,766,808	56,980,181
School	36,695,788	109,372	36,805,160	35,412,183
Water	5,824,464	--	5,824,464	5,819,144
Sewer	6,185,631	160,000	6,345,631	6,160,563
Public Transportation	3,604,326	941,201	4,545,527	4,199,508
Sanitation	7,879,989	14,000	7,893,989	7,286,706
Parking Authority	250,380	14,750	265,130	266,034
Golf Course	818,226	--	818,226	958,849

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Central Garage	605,049	19,997	625,046	636,291
Central Stores Operating	<u>102,408</u>	<u>--</u>	<u>102,408</u>	<u>89,522</u>
Total Operating	<u>119,038,114</u>	<u>5,954,275</u>	<u>124,992,389</u>	<u>117,808,981</u>
-				
Capital Projects:				
General Capital Projects	3,345,000	11,952,777	15,297,777	1,790,000
School Capital Projects	--	44,186,829	44,186,829	--
Water Capital Projects	1,876,300	3,035,841	4,912,141	1,599,527
Sewer Capital Projects	1,394,600	2,514,115	3,908,715	872,217
Sanitation Capital Projects	20,881,175	3,204,318	24,085,493	3,940,968
Parking Authority Capital Projects		88,734	88,734	20,000
Golf Course Capital Projects	59,248	2,082,551	2,141,799	--
Total Capital Projects	27,556,323	67,065,165	94,621,488	8,222,712
Total	<u>146,594,437</u>	<u>73,019,440</u>	<u>219,613,877</u>	<u>126,031,693</u>

Expenditures By Funds

Operating:

General	57,071,853	4,694,955	61,766,808	56,980,181
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Copies of the proposed budget are available for public review in the City Manager's office, 345 South Main Street; the Massanutten Regional Library, 145 South Main Street and on the City's internet web site at (<http://www.ci.harrisonburg.va.us>).

Mayor Frank called on anyone present desiring to speak either for or against the 2002-2003 budget.

Jane Hubbell, Director of the Office on Children and Youth for Harrisonburg and Rockingham County said that the office was gratified to receive some funding from Harrisonburg. She said that a question had been asked, what would not be done if the Office on Children and Youth were not here? Ms. Hubbell explained

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that the OCY mission is to promote youth development through working with all youth-serving organizations in Harrisonburg and Rockingham County to support, coordinate, and examine the needs of our youth. The office also gathers and evaluates data related to the needs of children and youth, works to coordinate services for efficient delivery, advocates for needed services, and is a resource center for information concerning youth. The Office on Children and Youth is the voice for all of the youth in the community. The Youth Council is a strong vibrant group of 24 students who are proud to stand for all youth in the community and who can voice concerns. The OCY is in a very unique position of being able to work with all the children and youth serving organizations in an objective manner, examining data, spotting trends and involving the appropriate people who need to discuss the possible solutions. Some of the things that could go away if the OCY does not exist includes the Youth Data Survey, housing for start up initiatives or small grant funded programs, annual Teen Health Fair, Faith Initiative, Youth Council, a children and youth information and referral center, children and youth services website, youth resource cards, an organization capable of conducting independent studies around children and youth issues, and a center in the community that does long range planning for services to children and youth. She said that three out of the four conducted focus groups mentioned the importance of parental involvement, parenting skills, constructive parental involvement, positive role modeling, and consistent communication. Although, the Office on Children and Youth is very small, it has accomplished a tremendous amount by conducting long-range planning.

Marilyn Wakefield, Director of Acting Outreach, emphasized the importance of the data that had been collected by the Office on Children and Youth to help Acting Outreach obtain some funding. She said the outreach program operates on less than \$4,000 per year; however, the program has been able to touch approximately 400 children lives in the middle and high schools.

Jane Wiggins, a resident living at 111 East Weaver Avenue, said that she is a crisis counselor and serves as the chair of the Suicide Prevention Task Force. She said, There is no way (the suicide-prevention program) would happen without the Office on Children and Youth data. She reviewed many statistics concerning suicides in the area.

Allison Coonley, Executive Director of the Convention and Visitors Bureau, presented an overview on CVB. She displayed a sketch of the web site and noted that although it had only been available for several months, the web site received 51,000 hits in March. Many inquiries are received daily from tourists wanting to visit Harrisonburg and Rockingham County. Approximately 12 brochures are mailed every day. She said more marketing is needed because last year visitation was down 11%. The Visitors Center has developed maps of Harrisonburg and Rockingham County, assisting and supporting many organizations including the Arts Council of the Valley and the Shenandoah National Battlefield. CVB is funded by both Harrisonburg and Rockingham County. She reviewed the operating budget. She said that she was requesting additional funding to develop a new brochure that could adequately represent Harrisonburg and Rockingham County. It is easy to promote tourism within the region, but Harrisonburg and Rockingham County needs to be promoted outside the Shenandoah Valley. It will cost money to encourage tourism from surrounding states of Virginia. She said that she needed money to make money. Tourists spend a lot of money in the area bringing tax revenues to the City.

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John Hopkins, a business owner in Harrisonburg said, Allison has done such a great job with tourism, and he said if I didn't live here, I would move here. He commented that when the Sheraton was built in 1974 there were only three motels in the area. Tourists traveling through the area have discovered Harrisonburg and Rockingham County and commented what a great place to retire.

Craig Moore, owner of the Joshua Wilton House, said that tourism is the third largest industry in the state of Virginia. He said that in 2000 the Shenandoah Valley generated \$1.3 billion in travel revenue. Harrisonburg generated \$58 million of the \$1.3 billion. Of that \$58 million it generated \$1.8 million in taxes. He said, If we can invest just a little bit more in tourism we could double that amount. Tourism is a clean industry because people come, visit, and then they leave. Harrisonburg is one of the fastest growing communities in the state. We pride ourselves on low taxes. There is a huge potential to generate revenues for tax dollars from tourism.

Janice Fitzgerald, a resident living at 491 Garbers Church Road said that she operates a Bed and Breakfast Inn. She also said that she is a member of the HRCVB and pays a membership fee and the City of Harrisonburg benefits every time someone visits her web site. Tourism is one of the dynamics ways that the City of Harrisonburg can create clean revenue. The City doesn't have to educate or house tourists. It is a way to keep taxes down and showcase a beautiful part of the country without having the burden of over population.

Bob Privott a resident of the City for 30 years said that because of his business he became involved with the Chamber of Commerce. He said the group is constantly looking for ways to stretch a dollar. He suggested that Court Days should be re-created. In the past, Court Days were held at the Rockingham County Courthouse. It was one day of the month when court was held and attracted a lot of people to the City. Many booths were set up around Court Square. However, if it was re-created now it would have to be held on Saturday rather than a weekday as it was in the past, allowing a lot of people to be involved including many vendors and merchants.

Betty Newell representing Community Association for Rural Transportation (CART) said that it is a non-profit organization founded in 1996. It was primarily founded to address unmet need of people with physical disabilities in the county. CART does receive grants and contributions. She explained some City residents have contacted CART because their needs cannot be met by para transit services. Many City residents cannot use the services because they need door-to-door service. She said that CART could provide this service. Mobility is an essential for a decent quality of life.

Vice-Mayor Peterson questioned how did CART receive its principal source of funding? Ms. Newell answered private foundations, co-payment and some fund raising. She also noted that most of CART's clients are 65 or older, have some sort of disability, or have an income below the poverty level. She said that CART does not duplicate services provided by the City. Mr. Peterson said that he needed more data and information before committing City funding.

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Bucky Berry, a resident of 877 North Main Street, complained about the deteriorating sidewalks in front on his house.

There being no others desiring to be heard, the public hearing was declared closed at 9:07 p.m., and the regular session reconvened.

Vice-Mayor Peterson commented that the School Board has saved approximately \$1.2 million during the past two years in its un-appropriated fund balance and expects to have another \$400,000 to \$500,000 left over this year. He said, I am concerned that when bond rating agencies look at the City that money held by the School Board is not counted toward the financial health of the City. He said there should be a joint decision between the Council and School Board to have a policy of how much money they should be maintaining in their un-appropriated fund balance. Money left over in the School Board's un-appropriated fund should switch back to the City's account. It would create a healthier financial picture for the City. He said that he wanted the school board to agree to an amount of money it should have left over each year, likely a percentage of its total budget. This way, the City would keep more money in its accounts rather than allocate too much to schools. He said, It is good management, but not over budgeting. We might have to wait another year before that money comes back. He suggested delaying approval of the budget for a first reading until the next meeting to discuss some of the requested changes regarding the Office on Children and Youth, CVB and CART.

Council Member Lantz said, The only adequate information I have is on tourism. Rockingham County has stated that it will increase its funding to CVB by 25%. Since we requested that City Manager Baker discuss this issue with Rockingham County about the possibility of increasing its funding for tourism, Rockingham County reconsidered and increased its funding to CVB from \$40,000 to \$50,000. He said, I would like for the City to contribute about 65% and the county about 35% to the budget of CVB. Based on that ratio if the county has increased its funding with additional \$10,000, the City should increase its funding by \$18,500 to be on an equal basis. We definitely would be making great strides in trying not only to have a visitor's center, but also promote tourism. Mr. Lantz said, I am not happy with the old split of 35%-65%, but I still think that we need to at least maintain that ratio to this point. Maybe, we could encourage the county to do a little more next year.

City Council agreed to postpone approving any increased funding to the Office on Children and Youth and CART until after the City/County Liaison meeting.

Vice-Mayor Peterson proposed another amendment to the City Council's budget. He recommended transferring the duties of maintaining City Span and other responsibilities to the City Clerk. He also recommended leaving the funding in City Council's budget to hire a student intern.

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Council Member Fitzgerald offered a motion that the Council resolve to approve the 2002-2003 budget for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request for a preliminary subdivision for Beacon Hill phase two and three. She explained that the reason it is coming before City Council is because it does include a variance to Section 10-2-42(d) of the Subdivision Ordinance, which requires all lots to front on public streets. This request is to subdivide an area off of South Main Street which is zoned R-4 Planned Unit Residential District into 96 townhouse lots and one common area. The area contains a mixture of zoning classifications. She reviewed the surrounding uses in the area. Planning Commission approved the first master plan in March of 1998 and by City Council in April. Planning Commission approved a new master plan for the development on March 14, 2001. The plan outlined a townhouse development with six phases. The property owner vacated the existing final platted lots and easements in June of 2001. Also, in June the Planning Commission reviewed and approved phase one preliminary plat. Currently, all of the phase one has been platted. Building permits have been issued for all but five of the 44 lots and certificate of occupancy has been issued for 16 of the properties. The preliminary plat shows 96 townhome lots and one common area that will be built out through two phases. With phase one of the Beacon Hill master plan almost complete the next phase, two, will begin by extending Emerson Lane over the hill and start with the construction of phase 2A (13 townhomes), then Old Richmond Circle will be built (25 townhomes and one common area). Phase three will be built out as a whole and contains 50 units, which will extend off Victorian Village Drive. She said that Planning Commission reviewed the preliminary subdivision plat and recommended approval of the request. Vice-Mayor Peterson offer a motion that the Council resolve to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

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Absent Council Member Rogers was absent from the room

City Manager Baker explained that the John D. Eiland Company has again requested sponsoring Fundfest concert series. The concert series will be held on alternating Wednesday evenings and will again provide fund raising opportunities for a number of local charities. The Fundfest concert series will begin May 22, 2002 and end on September 11, 2002. Over the years the Fundfest events have contributed a lot of money to local charities within the community. Council Member Fitzgerald offered a motion that the Council resolve to approve the Fundfest Concert Series. The motion to resolve was approved with a unanimous vote of Council.

Ron Steele, a resident of 1611 Smithland Road, read the following statement: We the residents of Smithland Road are the last area in the City that does not have public water and sewer service. Over the last couple of years, several of our residents have experienced problems with their wells. These problems include drop in flow rate, total loss in flow requiring new wells and problems with sediments due to low water table. It is difficult to know what caused these problems; certainly drought conditions have contributed to the problem.

However, it is evident that at least two residents have had problems with their wells that can be attributed to the consistent and considerable pumping of the well at the City soccer fields. This could be the cause of others problems also. We understand that spring watering of the soccer fields is to begin very soon. In light of the current drought, and with the recent addition of a third soccer field, we have grave concerns that our wells might fail because of this depletion of the groundwater supply.

Recent news reports have described our current drought as the worst in 70 years. We listened to Mike Collins recent presentation to you on water supply and conservation measures. We, as responsible citizens, have vowed to conserve water use as much as possible to protect each other s water supply. In return, we ask that the City of Harrisonburg respect the water needs of all its citizens, not just those on the public supply.

In our presentation to you, we will ask those residents who wish to speak to tell their stories. We also will present some of our own ideas for lessening the impacts of the current and potential water shortages in our area. We hope that you will act to invoke changes in the current City planning to protect the existing groundwater supply and, if possible, expedite the provision of public water to the area to ensure your citizens are protected.

We thank you in advance for the opportunity to discuss this with you further.

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Mr. Steele said many residents on his street do not wash cars, water lawns, and some residents take their laundry to a laundromat. He said we have been patient for 20 years waiting for water. Harrisonburg is the City with a planned future and he said the Smithland Road residents want to be part of the future. He also explained that if a resident's well goes dry, another well must be dug and the cost can be approximately \$10,000 to \$20,000.

Dennis Lambert, a resident living at 1366 Smithland Road, said that he has lived on the road for 30 years. He said, "I did not want the City to annex our area, but it is progress." He said that he has had a cistern and bought water for many years and then was forced to put in a well. Once the well was installed at the soccer field he has experienced problems with getting water. He asked, "Is it more important to water a soccer field and cause problems for a nearby resident?" He said the Parks and Recreation Department installed a robot and cut back on all the extra pipelines and after two days he did get water again from the well. He suggested that if the City did not have the funding to install water lines to the Smithland Road area, then cut back on watering the soccer fields.

Connie Hofacker, a resident of 1321 Smithland Road, said that her family has lived on Smithland Road for one year. The well went dry and they had to drill down to 895 feet and spent \$14,000 for a brand new well. She said that something needed to be done by the City.

Gilbert Gray, a resident of 1165 Smithland Road, said that he has lived in the area for over 30 years. He said it was interesting to hear City Manager Baker state that the City has not had a real estate increase in many years. He said the real estate tax has increased for the Smithland Road residents by several thousand percent because they had to drill new wells, replacing equipment and purchasing new appliances. He said the residents have been patient and it is time for the City to provide water to residents of Smithland Road. He said he has attended many Council meetings and has been told maybe you will be included in the five-year plan. Mr. Gray said that Harrisonburg states it is the City with the Planned Future and he questioned who was it planned for, just a few of its citizens or all of its citizens. He said there is a tremendous amount of money appropriated for the Parks and Recreation Department and I plead with you to consider recreation priorities against basic living priorities. Water is a necessity of life, it is a necessity of health and water is a necessity of well being. We need public water and until we get the public water, protect the water we do have, and don't deplete it for the few playing soccer in the county on the soccer fields in the county.

Preston Wiseman, a resident of 1552 Smithland Road, said that he has had problems with his well during the heavy watering of the soccer fields.

Dan Rublee, a resident of 1251 Smithland Road, said that he lived on Smithland Road since 1986 and had an unusual situation because he shares a well with a neighbor. The area has bacteria problems. He said that last year he had to spend money to repair a septic field. The water use at the soccer fields can be significant. The pump carries approximately 75 gallons a minute and if it runs for 12 hours it adds up to 55,000 gallons of water. The ideal watering during a dry time is to try to get an equivalent of one inch of rain on the field. To have an inch of water on just one of the fields water must be pumped from a well for 24 hours. He said this

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type of pumping on three fields could lead to real trouble with the water supply in the area. There has been a component of the CIP called Smithland Water & Sewer for several years. Much of the funding that was put in that CIP was listed in a column as beyond. In 2001-2006 CIP a total of \$2.4 million was listed for water and sewer, but \$1.6 million was listed in the beyond category. This project has been in the CIP and is under construction with the first phase. Smithland Road in the City is approximately 1.9 miles long. He reviewed funds included in the current budget that had been spent and estimated that approximately \$300,000 was left of the original targeted funds for Smithland Road water and sewer. He said that this project is not included in the current CIP since phase one has been funded. He also said that approximately \$300,000 in funds left over from phase one could go a long way in looking at the cost of the current bid and could probably get as much as 6,000 feet of water line at the price the City is paying under phase one. The next phase could do a lot more to serve the residents in the area. He said that the Smithland Road residents are asking the City to check into some of these requests.

Director of Public Utilities Mike Collins came to the podium and proposed a solution. He recommended that the City conduct a survey of the area to determine the location of all of the wells in the Smithland Road area. The residents of the area don't understand the City's progress plans. A CIP presentation was made at a meeting with Blackwell Engineering. He suggested that a liaison committee be formed to include himself and the City Engineer. It is difficult to get everything with bond funding. A decision was made to pay as we go and try to address the area in phase two which is being constructed now. The money will not elapse at the end of year because it is in a capital project. One of the City's engineers is currently designing the next phase, which will be to install a water tank and a connection line to the tank behind Valley Mall to have enough infrastructure to deliver fire flow in the area. The money is allocated to finish the rest of phase one which includes a water tank and 12 inch line from Betts Court to Keezletown Road. Mr. Collins said that there is nothing in the CIP for the next five years because the City has experienced several summers of extremely high water sales. He said, I suggest that a liaison committee be established to include City Engineer Dan Rublee, City engineering employees, myself and several of the residents to review the priorities of the projects, revisit the remainder of phase one, accumulate data of the area, accumulate the problems on Smithland Road, and review the budget constraints of the bond arrangement.

Vice-Mayor Peterson questioned how the soccer fields were watered and wasn't there something the City could do to limit the draw down to a gradual level. He suggested perhaps not watering all three fields at the same time and spacing the watering out over a week.

Parks and Recreation Director Foerster responded that the City has not watered the soccer fields since December 6, 2001 and was only done at that time to conduct and perform some tests. He said that the City would be making more effective use of its water by only watering from late afternoon or early morning on the soccer fields.

Council Member Rogers commented that during a drought soccer fields should not be watered so the residents on Smithland Road will have water. Council Member Rogers offered a motion that the Council resolve that Public Utilities Director Collins, City Engineer Rublee and City Manager Baker form a committee and present a recommendation to City Council at the next meeting. The motion to resolve was approved with a unanimous vote of Council.

Steve Johnson, Attorney with Troutman & Sanders, presented the following resolution:

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
UP TO \$45,000,000 GENERAL OBLIGATION BONDS,
SERIES 2002, OF THE CITY OF HARRISONBURG, VIRGINIA,
AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

In a resolution adopted by the City Council of City of Harrisonburg, Virginia (the City Council) following a public hearing on March 26, 2002 (the Preliminary Resolution), the City Council determined that it was necessary and expedient to issue general obligation bonds for various capital projects in the City of Harrisonburg, Virginia (the City).

The City Council now wishes to issue and sell up to \$43,500,000 of such general obligation bonds to finance (a) a portion of the costs of the acquisition, renovation and equipping of a building for public safety and other administrative use by the City, (b) the costs of improvements to and the acquisition of equipment for the City s steam plant and resource recovery facility and (c) the costs of expansion and improvements to the City s water system (collectively, the Projects). In addition, the City Council wishes to issue and sell up to \$1,500,000 of general obligation bonds to refund the outstanding principal balance of the City s \$1,600,000 Elderly Housing Facility Bonds of 1979 and its \$800,000 Bridgewater College Note (collectively, the Prior Bonds) if interest cost savings will result.

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

Section 1. Authorization, Issuance and Sale. There is hereby authorized to be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the Act), general obligation bonds of the City in the maximum principal amount of \$45,000,000 to pay a portion of the costs of the Projects, pay the costs incurred in connection with issuing such bonds, pay capitalized interest on such bonds and refund the Prior Bonds. The City Council hereby elects to issue such bonds under the provisions of the Act and not under the City Charter. Accordingly, the City Council may adopt this Resolution at the meeting at which it is introduced.

Section 2. Bond Details. Such bonds shall be designated **General Obligation Public Safety Bonds, Series 2002A (the Series A Bonds), General Obligation and Revenue Water Bonds, Series 2002B (the Series B Bonds), General Obligation Steam Plant Bonds, Series 2002C (the Series C Bonds) and General Obligation Refunding Bonds, Series 2002D (the Series D Bonds)** (the Series A Bonds, the Series B Bonds, the Series C Bonds and the Series D Bonds being collectively referred to herein as the **Bonds**). The Bonds shall be dated June 1, 2002, shall be in registered form, in denominations of \$5,000 and multiples thereof, and shall be numbered appropriately. Subject to Section 4, the Bonds shall mature in installments, or have mandatory sinking fund installments, on each July 15 beginning no earlier than the year 2003 and ending no later than the year 2035. Interest on the Bonds shall be payable on January 15, 2003, and semiannually thereafter on each July 15 and January 15 and at maturity. The City Council authorizes the issuance and sale of the Bonds on terms as shall be satisfactory to the City Manager; *provided*, that the Bonds (a) shall have a true or Canadian interest cost not to exceed 6.25% per year, taking into account any original issue discount or premium; (b) shall be sold at a price not less than 99% nor more than 103% of the original aggregate principal amount thereof; (c) shall have a weighted average maturity of no more than thirty (30) years; (d) shall be issued in an aggregate amount not to exceed \$45,000,000; (e) shall be subject to optional redemption, so long as the period during which the Bonds may not be optionally redeemed shall not extend beyond July 15, 2012, with a redemption premium no greater than two percent (2.00%) of the principal amount of the Bonds to be optionally redeemed; and (f) shall be issued with such designations, including series designations, as desired for the marketing and sale thereof. The Bonds may be issued with bond insurance as security for the principal and interest payments thereon if interest cost savings relative to the insurance premium paid will result therefrom. The Series D Bonds shall be issued only if interest cost savings result from the refunding of all or a portion of the Prior Bonds.

Principal and premium, if any, shall be payable to the registered owners upon surrender of the Bonds as they become due at the designated corporate trust office of the Registrar, as defined below. Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar as of the close of business on the first day of the month during which each interest payment date occurs. In case the date of maturity or redemption of the principal of any Bond or an interest payment date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or redemption or interest payment date. Principal, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

Interest on the Bonds shall be calculated on the basis of a 360-day year with twelve 30-day months. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless such Bond is (a) authenticated before January 15, 2003, in which case it will bear interest from June 1, 2002, or (b) authenticated upon an interest payment date or after the record date with respect thereto, in which case it will bear interest from such interest payment date (unless payment of interest thereon is in default, in which case interest on such Bond shall be payable from the date to which interest has been paid).

Section 3. Book-Entry System. Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (DTC), or its nominee. The City has entered into a Blanket Issuer Letter of Representations relating to a book-entry system to be maintained by DTC with respect to certain securities issued by the City, including the Bonds. As used herein, the term Securities Depository shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 3.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar and the City, or (b) the City in its sole discretion determines (i) to select a new Securities Depository or (ii) that beneficial owners of Bonds shall be able to obtain certificated Bonds, then the City Manager shall, at the direction of the City, attempt to locate another qualified securities depository to serve as Securities Depository or arrange for the authentication and delivery of certificated Bonds to the beneficial owners or to the Securities Depository's participants on behalf of beneficial owners, substantially in the form provided for in Exhibit A. In delivering certificated Bonds, the City Manager shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository's participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 8.

So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the City shall not be responsible or liable for maintaining, supervising, or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations, such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

Section 4. Redemption Provisions.

(a) **Optional Redemption.** Subject to the provisions of Section 2 and 9, the Bonds may be subject to optional redemption prior to their respective stated dates of maturity as determined by the City Manager.

(b) **Mandatory Sinking Fund Redemption.** Any term bonds may be subject to mandatory sinking fund redemption as determined by the City Manager. If there are any term bonds, on or before the 70th day next preceding any mandatory sinking fund redemption date, the City may

apply as a credit against the City's mandatory sinking fund redemption obligation for any Bonds maturing on such date, Bonds that previously have been optionally redeemed or purchased and canceled or surrendered for cancellation by the City and not previously applied as a credit against any mandatory sinking fund redemption obligation for such Bonds. Each such Bond so purchased, delivered or previously redeemed shall be credited at 100% of the principal amount thereof against the principal amount of the Bonds required to be redeemed on such mandatory sinking fund redemption date. Any principal amount of Bonds so purchased, delivered or previously redeemed in excess of the principal amount required to be redeemed on such mandatory sinking fund redemption date shall similarly reduce the principal amount of the Bonds to be redeemed on future mandatory sinking fund redemption dates, as selected by the City Manager.

(c) **Bonds Selected for Redemption.** If less than all of the Bonds are called for optional redemption, the maturities and series of the Bonds to be redeemed shall be selected by the City Manager in such manner as he may determine to be in the best interest of the City. If less than all the Bonds of any maturity or series are called for redemption, the Bonds to be redeemed shall be selected by DTC or any successor Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

(d) **Notice of Redemption.** The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, to DTC or its nominee as the registered owner of the Bonds or, if the book-entry system is discontinued, by registered or certified mail to the registered owners of the Bonds to be redeemed.

Section 5. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Mayor or Vice Mayor of the City and the City's seal shall be affixed thereto or a facsimile thereof printed thereon and attested to by the manual or facsimile signature of the Clerk or Deputy Clerk of the City; *provided*, that no Bond shall be valid until it has been authenticated by the manual signature of an authorized representative of the Registrar and the date of authentication noted thereon.

Section 6. Bond Form. The Bonds shall be in substantially the form set forth in Exhibit A attached hereto with appropriate variations for the Series A Bonds, the Series B Bonds, the Series C Bonds and Series D Bonds or any other series designation desired and authorized by Section 2 hereof.

Section 7. Pledge of Full Faith and Credit and Pledge of Revenues. (a) The full faith and credit of the City are irrevocably pledged for the payment of principal of, premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the City shall levy and collect an annual *ad valorem* tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay the principal of, premium, if any, and interest on the Bonds, as the same become due.

(b) The City pledges to the payment of the Series B Bonds the Revenues (as hereinafter defined) from the City's water system (the Water System). Revenues means (i) all rates, fees, rentals, charges, income and money properly allocable to the Water System in accordance with generally accepted accounting principles or resulting from the City's ownership or operation of the Water System, excluding customer and other deposits subject to refund until such deposits have become the City's property, (ii) the proceeds of any insurance covering business interruption loss relating to the Water System, and (iii) interest on any money or securities related to the Water System held by or on behalf of the City. The Revenues shall immediately be subject to the lien of this pledge without any physical delivery of them or further act. Other bonds may be issued on a parity with the lien on the Revenues granted to the Series B Bonds. The City covenants that it will fix and collect rates, fees and other charges for the use of, and for service furnished by, the Water System sufficient to pay operating and maintenance expenses and debt service on the Series B Bonds and any other bonds issued on a parity with the Series B Bonds.

Section 8. Registration, Transfer and Owners of Bonds. The City Manager shall have the authority to select the paying agent and registrar for the Bonds (the Registrar). The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any Bonds at the designated corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form, series and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the first day of the month during which each interest payment date occurs.

Section 9. Sale of Bonds. The City Council approves the following terms of the sale of the Bonds. The Bonds will be sold by competitive bid. The City Manager, in collaboration with the City's financial advisor (the Financial Advisor), shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest true or Canadian interest cost, all subject to the limitations set forth in Section 2. The City Council further authorizes the City Manager, in collaboration with the Financial Advisor, to (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 2, (b) determine the maturity schedule of the Bonds, subject to the weighted average maturity limitations set forth in Section 2, and (c) establish the redemption provisions, if any, for the Bonds, subject to the limitations set forth in Section 2. Prior to the sale of the Bonds, the City Manager, in collaboration with the Financial Advisor, may change the dated date of the Bonds and the payment dates provided therein (so long as the interest payment dates for any series are semi-annual) to facilitate the sale and delivery of the Bonds. The actions of the City Manager in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

Section 10. Sale Documents. The use and distribution of the Notice of Bond Sale, the Summary Notice of Bond Sale, and the Official Bid Form, pursuant to which the Bonds will be offered for sale, are hereby authorized and approved.

Section 11. Official Statement. The form of the Preliminary Official Statement of the City, to be dated the date of its mailing (the Preliminary Official Statement), has been made available to the City Council prior to the adoption of this Resolution. The use and distribution of the Preliminary Official Statement, in substantially the form made available to the City Council, are hereby authorized and approved. The Preliminary Official Statement, may be completed and deemed final by the City Manager as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the Rule), except for the omission from the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule. The delivery of the Preliminary Official Statement to the Financial Advisor shall be conclusive evidence that it has been deemed final as of its date by the City Manager, except for the omission of such pricing and other information.

The City Manager shall make such compilations, omissions, insertions, and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement (the Official Statement). The City Manager shall arrange for the delivery to the successful bidder of a reasonable number of copies of the Official Statement, within seven (7) business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the successful bidder initially sells Bonds.

The City Manager is authorized, on behalf of the City, to deem the Official Statement to be final as of its date within the meaning of the Rule. The City Manager is authorized and directed to execute the Official Statement, which execution shall be conclusive evidence that the Official Statement has been deemed final.

Section 12. Continuing Disclosure. A substantially final form of the Continuing Disclosure Certificate to be given by the City (the Continuing Disclosure Certificate), evidencing conformity with certain provisions of the Rule, has been made available to the City Council prior to the adoption of this Resolution. The execution, delivery, use, and distribution of the Continuing Disclosure Certificate, in substantially the form made available to the City Council, are hereby authorized and approved.

The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered a default under this Resolution or the Bonds; *provided*, that any Holder of the Bonds (as defined in the Continuing Disclosure Certificate, including owners of beneficial interests in the Bonds) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Section 12 and the Continuing Disclosure Certificate.

Section 13. Preparation and Delivery of Bonds. After the Bonds have been awarded, the Mayor or Vice Mayor and the Clerk or Deputy Clerk of the City are authorized and directed to take all proper steps to have the Bonds prepared, executed and authenticated in accordance with their terms and to deliver the Bonds to the successful bidder thereof upon payment for the Bonds.

Section 14. Arbitrage Covenants.

(a) **No Composite Issue.** The City represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bonds within the meaning of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the Code).

(b) **No Arbitrage Bonds.** The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law which may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

Section 15. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the City. The City shall comply with any covenants set forth in such certificate regarding the use and investment of the proceeds of the Bonds.

Section 16. SNAP Investment Authorization. The City Council hereby authorizes the City Treasurer and the City Finance Director to have the option to utilize the State Non Arbitrage Program of the Commonwealth of Virginia (SNAP) in connection with the investment of the proceeds of the Bonds. The proceeds may be invested pursuant to other investment agreements so long as the same are permissible for the investment of bond proceeds under Virginia law.

Section 17. Limitation on Private Use; No Federal Guaranty. The City covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being used in a trade or business carried on by any person other than a state or local governmental unit, as provided in Section 141(b) of the Code, (b) five percent (5%) or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) five percent (5%) or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a state or local governmental unit, as provided in Section 141(c) of the Code; *provided*, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

The City represents and agrees that the Bonds are not and will not be federally guaranteed, as such term is used in Section 149(b) of the Code. No portion of the payment of principal of or interest on the Bonds is or will be guaranteed, directly or indirectly, in whole or in part by the United States or an agency or instrumentality thereof.

Section 18. Discharge upon Payment of Bonds. The Bonds may be defeased, as permitted by the Act. Any defeasance of the Bonds, as permitted by the Act, shall not release the City or the Registrar from its obligations hereunder to register and transfer Bonds or release the Registrar from its obligations to pay the principal of and interest on the Bonds as contemplated herein until the date all of the Bonds are paid. In addition, such defeasance shall not terminate the obligations of the City under Sections 14 and 17 until the date all of the Bonds are paid.

Section 19. Other Actions. All other actions of the Council members, officers, staff, and agents of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The Mayor, Vice Mayor, City Manager and other officers and staff of the City, any of whom may act, are each authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

Section 20. Limitation of Liability of Officials of the City. No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of a Council member, officer, employee or agent of the City in his or her individual capacity, and no officer of the City executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No Council member, officer, employee, or agent of the City shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.

Section 21. Contract with Bondholders. The provisions of this Resolution shall constitute a contract between the City and the Bondholders for so long as any of the Bonds are outstanding. Notwithstanding the foregoing, this Resolution may be amended by the City in any manner that does not, in the opinion of the City and the Registrar, materially adversely affect the Bondholders or the Registrar.

Section 22. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

Section 23. Effective Date. This Resolution shall take effect immediately upon its adoption. The Clerk and any Deputy Clerk of the City are hereby authorized and directed to see to the immediate filing of a certified copy of this Resolution with the Circuit Court of the County of Rockingham, Virginia.

EXHIBIT A

REGISTERED

No. R-_____

REGISTERED

\$_____

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF HARRISONBURG

General Obligation [] Bond, Series 2002[]

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____ %	July 15, ____	June 1, 2002	_____

REGISTERED OWNER:

PRINCIPAL AMOUNT:

The City of Harrisonburg, Virginia (the City), for value received, promises to pay, upon surrender hereof, to the Registered Owner stated above, or registered assigns or legal representative, the Principal Amount stated above on the Maturity Date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon at the Interest Rate per year stated above from the Dated Date stated above on January 15, 2003, and semiannually thereafter on each July 15 and January 15. Principal, premium, if any, and interest are payable in lawful money of the United States of America through _____, _____, Virginia, as registrar and paying agent (the Registrar).

Interest shall be payable by check or draft mailed to the Registered Owner, determined as of the close of business on the first day of the month during which the interest payment date occurs, at its address as it appears on the registration books kept for that purpose at the designated corporate trust office of the Registrar. Principal shall be payable upon presentation and surrender of this bond to the Registrar. If this bond is held by or for The Depository Trust Company or other entity acting as a securities depository (the Securities Depository), all payments of principal, redemption premium, if any, and interest shall be paid by wire transfer pursuant to the most recent wire instructions received by the Registrar from such Securities Depository and all redemptions or prepayments of principal may be made without presentation of this bond to the Registrar if such Securities Depository makes a notation on the schedule attached hereto.

This bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless this bond is (a) authenticated before January 15, 2003, in which case it shall bear interest from the Dated Date stated above or (b) authenticated upon an interest payment date or after the record date with respect thereto, in which case it shall bear interest from such interest payment date; *provided*, that if at the time of authentication of this bond interest is in default, this bond shall bear interest from the date to which interest has been paid. Interest shall be calculated on the basis of a 360-day year with twelve 30-day months.

In case the date of maturity or redemption of the principal of this bond or an interest payment date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or redemption or interest payment date.

This bond is one of an issue of \$ _____ General Obligation _____ Bonds, Series 2002[] (the Bonds), of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption, and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, as amended. The Bonds were authorized by resolutions adopted by the City Council of the City (the City Council) on March 26, 2002 and April 23, 2002 (the Resolutions).

[Bonds maturing on or before July 15, ____, are not subject to optional redemption prior to maturity. Bonds maturing on or after July 15, ____, are subject to redemption prior to maturity at the option of the City on or after July 15, ____, in whole or in part (in integral multiples of \$5,000) at any time upon payment of the following redemption prices (expressed as a percentage of the principal amount of the Bonds to be redeemed) plus interest accrued and unpaid to the redemption date:

<u>Period During Which Redeemed (Both Dates Inclusive)</u>	<u>Redemption Price</u>
July 15, ____ through July 14, ____	____ %
July 15, ____ through July 14, ____	____
July 15, ____ and thereafter	____]

[The Bonds maturing on July 15, 20__ are subject to mandatory sinking fund redemption by the City, upon payment of a redemption price of 100% of the principal amount of the Bonds to be redeemed, plus accrued interest to the redemption date, on July 15 in the years and amounts set forth below:

Year

Amount

-- final maturity

The Resolution provides for a credit against the mandatory sinking fund redemption of such Bonds in the amount of Bonds of the same maturity that have been previously redeemed or purchased and canceled or surrendered for cancellation and have not been applied previously as such a credit.]

If less than all of the Bonds are called for optional redemption, the maturities of the Bonds to be redeemed shall be selected by the City Manager of the City in such manner as he may determine to be in the best interest of the City. If less than all the Bonds of a particular maturity are called for redemption, the Bonds to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, to the Securities Depository or its nominee as the Registered Owner of the Bonds or, if the book-entry system is discontinued, by registered or certified mail to the Registered Owners of the Bonds to be redeemed.

The full faith and credit of the City are irrevocably pledged for the payment of principal of, premium, if any, and interest on this bond.

All acts, conditions, and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist, or be performed precedent to and in the issuance of this bond have happened, exist, and have been performed, and the issue of Bonds of which this bond is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the City Council of the City of Harrisonburg, Virginia, has caused this bond to be issued in the name of the City of Harrisonburg, Virginia, to be signed by its Mayor or Vice Mayor, its seal to be affixed hereto and attested by the signature of its Clerk or Deputy Clerk and this bond to be dated June 1, 2002.

(SEAL)

ATTEST:

**Clerk,
City of Harrisonburg, Virginia**

**Mayor,
City of Harrisonburg, Virginia**

AUTHENTICATION DATE: _____

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the within mentioned Resolution.

_____, as Registrar

By _____

Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s), and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER

IDENTIFYING NUMBER OF TRANSFEREE:

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____

_____ Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed

(Signature of Registered Owner)

by an institution which is a participant in the

NOTICE: The signature above must

Securities Transfer Agent s Medallion

correspond with the name of the Program

(STAMP) or

Registered Owner as it appears on the

Similar program.

this bond in every particular,

MINUTES - REGULAR MEETING OF CITY COUNCIL - APRIL 23, 2002

Without alternation or enlargement or any

Change whatsoever.

**[FORM FOR ACKNOWLEDGMENT OF PREPAYMENTS OR REDEMPTIONS --
MAY BE USED BY ANY SECURITIES DEPOSITORY]**

CERTIFICATE OF PREPAYMENTS OR REDEMPTIONS

The Principal Amount of this bond shall be reduced by an amount equal to the aggregate of prepayments or redemptions noted hereunder. All prepayments or redemptions shall be certified hereunder by an authorized representative of the Securities Depository which is the nominal owner of this bond, and such certification shall constitute a cancellation of the Principal Amount due on this bond in the aggregate of the amounts certified below.

<u>Amount</u>	<u>Date</u>	<u>Authorized Signature</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MINUTES - REGULAR MEETING OF CITY COUNCIL - APRIL 23, 2002

CERTIFICATE OF THE CLERK OF THE

CITY OF HARRISONBURG, VIRGINIA

The undersigned Clerk of the City of Harrisonburg, Virginia, certifies that:

1. A regular meeting of the City Council of the City of Harrisonburg, Virginia, was held on April 23, 2002, at the time and place established by the City Council for such meetings, at which the following members were present and absent:

	PRESENT	ABSENT:
Carolyn W. Frank	Present	
Dorn W. Peterson	Present	
Joseph G. Fitzgerald	Present	
Hugh J. Lantz	Present	
Larry M. Rogers	Present	

2. A resolution entitled **Resolution Authorizing the Issuance and Sale of Up to \$45,000,000 General Obligation Bonds, Series 2002, of the City of Harrisonburg, Virginia, and Providing for the Form, Details and Payment Thereof** was adopted by a majority of all members of the City Council present by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Carolyn W. Frank	Aye
Dorn W. Peterson	Aye
Joseph G. Fitzgerald	Aye
Hugh J. Lantz	Aye
Larry M. Rogers	Aye

3. Attached hereto is a true and correct copy of the foregoing resolution as adopted on April 23, 2002. This resolution has not been repealed, revoked, rescinded or amended and is in full

force and effect on the date hereof.

WITNESS my signature and the seal of the City Council of the City of Harrisonburg, Virginia, this 23rd day of April, 2002.

Clerk,

City of Harrisonburg, Virginia

Vice-Mayor Peterson questioned some of the language in the resolution. Mr. Johnson explained and reviewed the language and noted the appropriate changes in the resolution. Vice-Mayor Peterson offered a motion that the Council resolve to adopt the resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Assistant City Manager Hodgen presented a request for a supplemental appropriation to purchase land. He said that these funds will be used to purchase additional land for the driving range and land located next to David Walsh's house. He also reviewed the donations that have been raised through private contributions. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$287,621.63 chge. to: 1000-31010 Amount from fund balance

MINUTES - REGULAR MEETING OF CITY COUNCIL - APRIL 23, 2002

\$105,000.00 approp. to: 1000-430221-48182 Purchase of land (David Walsh property)

182,621.63 approp. to: 1000-990111-49285 Transfer to Golf Course Capital Projects

Fund

\$1,149.76 chge. to: 1326-31010 Amount from fund balance (prior yr invest earnings)

6,068.35 chge. to: 1326-31513 Investments earnings

15,000.00 chge. to: 1326-31818 Donations for First Tee

182,621.63 chge. to: 1326-34210 Transfer from General Fund

\$204,839.74 approp. to: 1326-910771-48182 Driving range

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Bucky Berry, a resident of 877 North Main Street, said that he was proud the Council was getting along and making decisions together tonight.

Council Member Rogers offered a motion that the Council resolve to appoint Mike Collins, to the Environmental Quality Committee, Lester Seal, to the Finance Committee, Roger Baker and Tom Miller, to

MINUTES - REGULAR MEETING OF CITY COUNCIL - APRIL 23, 2002

the General Laws Committee, Kurt Hodgen, to the Human Development & Education Committee, and Reggie Smith, to the Transportation Committee on the Virginia Municipal League policy committees. The motion to resolve was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that the Council resolve that David Wiens, 1520 College Avenue, should be recommended to the Circuit Court for a first term on the Board of Zoning Appeals as Planning Commission representative to expire on March 20, 2007. The motion to resolve was approved with a unanimous vote of Council.

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

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

REGULAR MEETING

MAY 14, 2002

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.

Council Member Lantz delivered the invocation and Mayor Frank 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 a second reading to increase the 2001-2002 budget for purchasing land as amended. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request to amend the Zoning and Subdivision Ordinance to require posting of signs that detail specific items. She explained that the ordinance amendment will establish the posting of properties that will appear before the Planning Commission, Board of Zoning Appeals, and City Council. Applications for rezonings, Comprehensive Plan amendments, special use permits, and variances to the Zoning and Subdivision Ordinance will be required to have signs posted stating the proposed zoning change or variance requested and the Planning Department's phone number for additional information. Mrs. Turner said that these signs will provide a broader way for people to be notified. The City sends letter to all owners of property adjacent to a parcel proposed for rezoning and places an advertisement in the classified section of the newspaper. The signs would go a step farther so neighbors living down the street or driving by the property will know of proposed zoning changes before it goes to the Planning Commission or City Council. The signs will be approximately four feet in height. The surface board will consist of a white painted two by two foot board, which will have stapled to it the printed sign information. The department staff will create the actual sign on 11 by 17 paper, which will be laminated to protect it from the elements. Due to the cost of purchasing materials for the signs, purchasing a laminating machine, creating and maintaining the signs, and the staff time needed to post the properties before the public meetings, staff has added an additional \$25.00 dollars to the referenced application fees as reimbursement for cost. She said that signs will be posted at least fourteen (14) days prior to the planning commission's meeting reviewing the pending application and the City will erect the sign. Signs will be removed five (5) days after City Council has acted upon the application. The City shall determine the number of signs required,

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

placement, and type of posting; however, there shall be at least one (1) sign posted along each public right-of-way abutting the property. She said that Planning Commission recommended unanimous approval of the request.

At 7:43 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, April 29, and Monday, May 6, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, May 14, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

ORDINANCE AMENDMENT

-

Public hearing to consider amending the Zoning Ordinance, Article U. Amendments and Changes, Section 10-3-119 (e); Article V. Special Use Permit, Section 10-3-128 (e); Article W. Board of Zoning Appeals, Section 10-3-139 (e); and Subdivision Ordinance, Article A. General Provisions, Section 10-2-2 (d). These amendments will require posting of signs that detail specific items, which are to be presented before the Planning Commission, City Council, and/ or the Board of Zoning Appeals.

In addition, consider amending the Zoning Ordinance, Article U. Amendments and Changes, Section 10-3-118; Article W. Board of Zoning Appeals, Section 10-3-139 (c-1 and 2); and Subdivision Ordinance Article B. Plats Generally, Section 10-2-23 (14). These amendments will establish an increase of fees by twenty-five dollars (\$25.00) for the posting of these signs.

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

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

Mayor Frank called on anyone desiring to speak for or against amending this zoning and subdivision ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that the Council resolve to approve amending this ordinance for a first reading. The motion also included not charging an extra \$25.00 on subdivisions without a variance. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request to conditionally rezone 9,874 square feet of land from R-2, Residential District to R-3C, Multiple Dwelling Residential District (conditional). She explained that this property is located at 75 West Fairview Avenue. The Comprehensive Plan's Land Use Guide designates this property as Professional. This classification calls for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. According to the Comprehensive Plan, the purpose of the professional designation is to encourage the use of lands adjacent to residential areas that are undesirable for residential use and older homes that are no longer practical to maintain as housing units. She reviewed the surrounding uses in the area. The rezoning of the property located at 75 West Fairview Avenue would adjust the zoning from R-2 Residential District, to the more intense R-3C, Multiple Dwelling Residential District (Conditional). The neighborhood consists of both R-2 and R-3 zoning classifications. Many multi-family dwellings exist in this area either through nonconforming statues, or by right in the R-3 classification. Because this home is proposed to be converted from a single-family home to a multi-tenant dwelling, parking requirements would need to be adjusted. This property has ample area in the rear yard for the required four spaces. The only issue is gaining access to the rear yard due to the narrowness of the lot, but changing the zoning classification from the R-2 to R-3 will allow a use permitted by right. In an effort to protect the surrounding neighborhood from an obtrusive use in the future, the Blatts have proffered to use the property for only the uses found in Section 10-3-45, subsection (1) and (2). This would allow all of the uses permitted in the R-1 and R-2 Residential Districts as well as allow an occupancy of up to four individuals. The Blatts have also proffered to create an eight-foot wide access lane into the rear parking area and to install a barrier to prevent parking in front of the house. She said that Planning Commission recommended approval of the request.

At 7:47 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, April 29, and Monday, May 6, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold public hearings on Tuesday, May 14, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING- BACK and BLATT PROPERTY

-

Public hearing to consider a request by Gail A. Back, Franklin R. Blatt, and Candace F. Blatt to conditionally rezone 9,874 square feet of land from R-2, Residential District to R-3C, Multiple Dwelling Residential District (conditional). The site is represented by tax map 18-I-90 & 91 and is located at 75 West Fairview Avenue.

The Comprehensive Plan designates this area as Professional. This designation calls for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District.

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 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.

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

Franklin Blatt, a resident living at 3417 Taylor Spring Lane, said that he was available to answer any question that Council might have. He said that he would erect barriers to prevent parking in the front yard of the property. There being no others desiring to be heard, the public hearing was declared closed at 7:48 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 - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

**APPROPRIATION ORDINANCE
OF THE CITY OF HARRISONBURG, VIRGINIA
For the Fiscal Year Ending June 30, 2003**

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2003. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENTS; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

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

SECTION I - GENERAL FUND (1000)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

That the following sums of money be and the same hereby are appropriated for general government purposes herein specified for the fiscal year ending June 30, 2003:

Paragraph One - City Council and Clerk (110111)

For the current expenses and capital outlays of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred five thousand, two hundred seventy-four dollars (\$105,274) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$42,798
(2)	Other Operating Expenses	57,476
(3)	Capital Outlays	5,000

Paragraph Two - Office of City Manager (120111)

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of two hundred ninety-one thousand, nine hundred ninety-seven dollars (\$291,997) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$204,658
(2)	Other Operating Expenses	87,339

-

Paragraph Three - Office of City Attorney (120411)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of sixty-nine thousand, three hundred forty-nine dollars (\$69,349) is appropriated from the General Fund to be apportioned as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

(1) Other Operating Expenses \$69,349

Paragraph Four - Department of Human Resources (120511)

For the current expenses of the DEPARTMENT OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of one hundred fifty-two thousand, three hundred eighty-nine dollars (\$152,389) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$102,424
(2) Other Operating Expenses 49,965

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of six thousand, two hundred dollars (\$6,200) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$ 6,200

Paragraph Six - Commissioner of Revenue (120912)

For the current expenses and capital outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of two hundred ninety-eight thousand, four hundred one dollars (\$298,401) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$199,982
(2) Other Operating Expenses 90,719
(3) Capital Outlays 7,700

Paragraph Seven - Board of Real Estate Assessors (121012)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of one hundred fifty-two thousand, eight hundred forty-seven dollars (\$152,847) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$94,483
(2)	Other Operating Expenses	56,364
(3)	Capital Outlays	2,000

Paragraph Eight - Board of Equalization (121112)

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

(1)	Other Operating Expenses	\$4,500
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Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of three hundred ninety-two thousand, nine hundred eight dollars (\$392,908) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$235,244
(2)	Other Operating Expenses	154,664
(3)	Capital Outlays	3,000

Paragraph Ten - Department of Finance (121511)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

For the current expenses and capital outlays of the DEPARTMENT OF FINANCE, a division of the General and Financial Administration, the sum of three hundred thirty-seven thousand, three hundred fifty-seven dollars (\$337,357) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$222,806
(2)	Other Operating Expenses	112,051
(3)	Capital Outlays	2,500

Paragraph Eleven - Retirement Board (121711)

-

For the current expenses of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of twelve thousand, nine hundred eighteen dollars (\$12,918) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$12,000
(2)	Other Operating Expenses	918

Paragraph Twelve - Data Processing (122011)

For the current expenses and capital outlays of DATA PROCESSING, a division of the General and Financial Administration, the sum of two hundred twenty-three thousand, six hundred fifty-three dollars (\$223,653) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$112,787
(2)	Other Operating Expenses	95,866
(3)	Capital Outlays	15,000

Paragraph Thirteen - Purchasing Agent (122211)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of ninety-four thousand, five hundred eighty-eight dollars (\$94,588) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$68,608
(2)	Other Operating Expenses	25,980

Paragraph Fourteen - Electoral Board and Officials (130114)

For the current expenses and capital outlays of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of one hundred twenty-nine thousand, three hundred sixty-five dollars (\$129,365) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$75,536
(2)	Other Operating Expenses	47,829
(3)	Capital Outlays	6,000

Paragraph Fifteen - Police Administration (310131)

For the current expenses and capital outlays of the POLICE ADMINISTRATION, a division of the Department of Public Safety, the sum of three hundred twenty-three thousand, seven hundred twenty-nine dollars (\$323,729) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$112,769
(2)	Other Operating Expenses	209,960
(3)	Capital Outlays	1,000

Paragraph Sixteen - Police Operations Division (310231)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

For the current expenses and capital outlays of the POLICE OPERATIONS DIVISION, a division of the Department of Public Safety, the sum of two million, six hundred thirty-six thousand, seven hundred seventy-six dollars (\$2,636,776) is appropriated from the General Fund to be apportioned as follows:

(3)	Personal Services	\$1,938,318
(4)	Other Operating Expenses	674,808
(5)	Capital Outlays	23,650

Paragraph Seventeen - Police Criminal Investigation Division (310331)

-

For the current expenses and capital outlays of the POLICE CRIMINAL INVESTIGATION DEPARTMENT DIVISION, the sum of six hundred thirty-two thousand, four hundred eighty-four dollars (\$632,484) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$456,570
(2)	Other Operating	167,164
(3)	Capital Outlays	8,750

Paragraph Eighteen - Police Support Services (310431)

For the current expenses and capital outlays of the POLICE SUPPORT SERVICES, a division of the Department of Public Safety, the sum of one million, four hundred ninety-eight thousand, three hundred seventy-nine dollars (\$1,498,379) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$870,656
(2)	Other Operating Expenses	459,023
(3)	Capital Outlays	168,700

Paragraph Nineteen - Emergency Operations Center (310432)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

For the current expenses and capital outlays of the EMERGENCY OPERATIONS CENTER, a division of the Department of Public Safety, the sum of ninety-eight thousand, nine hundred one dollars (\$98,901) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$50,711
(2)	Capital Outlays	48,190

Paragraph Twenty - Fire Administration (320132)

For the current expenses of the FIRE ADMINISTRATION, a division of the Department of Public Safety, the sum of two hundred sixty-eight thousand, four hundred seven dollars (\$268,407) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$158,667
(2)	Other Operating Expenses	109,740

Paragraph Twenty-One - Fire Suppression (320232)

For the current expenses and capital outlays of the FIRE SUPPRESSION, a division of the Department of Public Safety, the sum of three million, four hundred thirty-nine thousand, sixty-two dollars (\$3,439,062) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,934,697
(2)	Other Operating Expenses	882,793
(3)	Capital Outlays	621,572

Paragraph Twenty-Two - Fire Prevention (320332)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

For the current expenses of FIRE PREVENTION, a division of the Department of Public Safety, the sum of one hundred seventy-two thousand, one hundred sixty-four dollars (\$172,164) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$118,026
(2)	Other Operating Expenses	54,138

Paragraph Twenty-Three - Fire Training (320432)

For the current expenses and capital outlays of FIRE TRAINING, a division of the Department of Public Safety, the sum of one hundred six thousand, nine hundred seventy-two dollars (\$106,972) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$74,441
(2)	Other Operating Expenses	32,531

Paragraph Twenty-Four - E911 System (320532)

For the current expenses of the E911 SYSTEM, a division of the Department of Public Safety, the sum of seven hundred forty thousand, two hundred twenty-two dollars (\$740,222) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$346,404
(2)	Other Operating Expenses	393,818

Paragraph Twenty-Five - City and County Jail (330231)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of sixty thousand dollars (\$60,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$60,000
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Paragraph Twenty-Six - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of four hundred fifty thousand, four hundred forty-four dollars (\$450,444) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$310,616
(2)	Other Operating Expenses	128,028
(3)	Capital Outlays	11,800

Paragraph Twenty-Seven - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of eighty-eight thousand, two hundred ninety-eight dollars (\$88,298) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$25,346
(2)	Other Operating Expenses	61,752
(3)	Capital Outlay	1,200

Paragraph Twenty-Eight - Coroner (350331)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

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

- | | | |
|-----|--------------------------|-------|
| (1) | Other Operating Expenses | \$900 |
|-----|--------------------------|-------|

Paragraph Twenty-Nine - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of seventy thousand, twenty-four dollars (\$70,024) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$70,024 |
|-----|--------------------------|----------|

Paragraph Thirty - General Engineering/Administration (410121)

For the current expenses and capital outlays of GENERAL ENGINEERING ADMINISTRATION, a division of the Department of Public Works, the sum of six hundred sixty-one thousand, seven hundred fifty-two dollars (\$661,752) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$442,269 |
| (2) | Other Operating Expenses | 186,333 |
| (3) | Capital Outlays | 33,150 |

Paragraph Thirty-One - Highway and Street Maintenance (410241)

For the current expenses and capital outlays of HIGHWAY AND STREET MAINTENANCE, a division of the Department of Public Works, the sum of three million, four hundred seventy-four thousand, three hundred forty-nine dollars (\$3,474,349) is appropriated from the General Fund to be appointed as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

(1)	Personal Services	\$1,034,148
(2)	Other Operating Expenses	2,087,001
(3)	Capital Outlays	353,200

Paragraph Thirty-Two - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred thirty thousand dollars (\$430,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	430,000
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Paragraph Thirty - Three - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of one hundred sixty-five thousand, five hundred ninety-two dollars (\$165,592) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$46,300
(2)	Other Operating Expenses	109,292
(3)	Capital Outlays	10,000

Paragraph Thirty-Four - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of nine hundred six thousand, five hundred ninety-one dollars (\$906,591) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$220,271
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MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

(2)	Other Operating Expenses	481,320
(3)	Capital Outlays	205,000

Paragraph Thirty-Five - Highway/Street Beautification (410841)

For the current expenses and capital outlays of HIGHWAY/STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of two hundred seventy-three thousand, six hundred sixty-four dollars (\$273,664) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$126,791
(2)	Other Operating Expenses	103,873
(3)	Capital Outlays	
	43,000	

Paragraph Thirty-Six - Street Cleaning (420241)

-

For the current expenses and capital outlays of STREET CLEANING, a division of Public Works, the sum of two hundred forty-five thousand, four hundred three dollars (\$245,403) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$117,945
(2)	Other Operating Expenses	102,458
(3)	Capital Outlays	
	25,000	

Paragraph Thirty-Seven - Insect and Rodent Control (420641)

For the current expenses of INSECT AND RODENT CONTROL, a division of the Department of he Public Works, the sum of thirty-eight thousand, six hundred dollars (\$38,600) is appropriated from the General Fund to be apportioned as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

(1) Other Operating Expenses \$38,600

Paragraph Thirty-Eight - General Properties (430121)

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For the current expenses and capital outlays of Harrison Plaza, a division of GENERAL PROPERTIES, the sum of one-hundred seventy-one thousand, four hundred thirty-eight dollars (\$171,438) is appropriated from the General Fund to be apportioned as follows:

(1) Person Services \$ 35,360
(2) Other Operating Expenses 136,078

Paragraph Thirty-Nine - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of two hundred six thousand, five hundred twenty-four dollars (\$206,524) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$22,679
(2) Other Operating Expenses 121,345
(3) Capital Outlays 62,500

Paragraph Forty - Local Health Department (510111)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of two hundred eighty-six thousand, six hundred eighty-five dollars (\$286,685) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$286,685

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Paragraph Forty-One - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of one hundred thirty-five thousand, one hundred forty-five dollars (\$135,145) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$135,145
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Paragraph Forty-Two - Tax Relief for Elderly (530611)

For the current expenses TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of twenty-one thousand dollars (\$21,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$21,000
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Paragraph Forty-Three - Parks and Recreation Administration (710171)

For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of one million, six hundred fifty thousand, eight hundred seventy-six dollars (\$1,650,876) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$790,082
(2)	Other Operating Expenses	662,004
(3)	Capital Outlays	198,790

Paragraph Forty-Four - Recreation Centers and Playgrounds (710471)

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For the current expenses and capital outlays of RECREATION, CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of three hundred eighty-nine thousand, three hundred eighty-two dollars (\$389,382) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$245,321
(2)	Other Operating Expenses	142,061
(3)	Capital Outlays	2,000

Paragraph Forty-Five - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of seventy-three thousand, four hundred ninety-seven dollars (\$73,497) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$33,996
(2)	Other Operating Expenses	39,501

Paragraph Forty-Six - Simms Recreation Center (710671)

For the current expenses of the SIMMS RECREATION CENTER, a division of the Parks, Recreation and Cultural, the sum of thirty-seven thousand, sixty-one dollars (\$37,061) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$4,227
(1)	Other Operating Expenses	32,834

Paragraph Forty-Seven - Westover Swimming Pool (710771)

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For the current expenses and capital outlays of the WESTOVER SWIMMING POOL, a division of the Parks, Recreation and Cultural, the sum of two hundred eighty-nine thousand, four hundred seventy-one dollars (\$289,471) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$155,169
(2)	Other Operating Expenses	107,302
(3)	Capital Outlays	27,000

Paragraph Forty-Eight - Athletic Complex (710871)

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For the current expenses and capital outlays of the ATHLETIC COMPLEX, a division of Parks, Recreation and Cultural, the sum of ninety-five thousand, five hundred nine dollars (\$95,509) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$19,549
(2)	Other Operating Expenses	35,960
(3)	Capital Outlays	40,000

Paragraph Forty-Nine - Planning Commission (810121)

For the current expenses and capital outlays of the PLANNING COMMISSION. A division of the Department of Community Development, the sum of one hundred sixty-four thousand, four hundred thirteen dollars (\$164,413) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$83,655
(2)	Other Operating Expenses	77,908
(3)	Capital Outlays	2,850

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Paragraph Fifty - Zoning Administration (810221)

For the current expenses of ZONING ADMINISTRATION, a division of the Department of Community Development, the sum of one hundred thirty-two thousand, eight hundred fifteen dollars (\$132,815) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$95,156
(2)	Other Operating Expenses	36,059
(3)	Capital Outlay	1,600

Paragraph Fifty-One - Board of Zoning Appeals (810421)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of four thousand, four hundred eighty-nine dollars (\$4,489) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$900
(2)	Other Operating Expenses	3,589

Paragraph Fifty-Two - Economic Development (810521)

For the current expenses and capital outlays of the DEPARTMENT OF ECONOMIC DEVELOPMENT, the sum of two hundred twenty-nine thousand, six hundred sixty-seven dollars (\$229,667) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 76,656
(2)	Other Operating Expenses	153,011

Paragraph Fifty-Three - Non-Departmental - Contributions (910411)

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For aiding the activities of independent, civic, charitable, and other organizations, the sum of eight hundred thirty thousand, nine hundred seventeen dollars (\$830,917) is appropriated from the General Fund to be apportioned as follows:

43850 Central Shenandoah Planning District	\$9,489
45642 Local Chamber of Commerce	3,000
45644 Salvation Army	10,000
45645 Rescue Squad-Gas and Oil	20,000
45647 Shen Val. Soil & Water Conservation Dist.	3,850
45648 Blue Ridge Community College	5,000
45650 Valley Program for Aging Services	25,000
45652 First Step, Inc.	21,000
45653 Non-Departmental CATV	5,000
45654 Convention & Visitors Bureau	93,750
45659 Blue Ridge Legal Services	5,277
45660 Other Non-departmental	24,000
45662 Free Clinic Inc.	5,000
45663 Community Mediation Center	2,000
45664 Woodbine Cemetery	1,500
45669 Boys and Girls Club	45,000
44883 First Night	5,000
45885 Arts Council of Valley	40,000
47010 Massanutten Regional Public Library-Operating	317,122
47020 Upper Valley Regional Park Authority	15,000
47030 Juvenile Detention Home	157,259

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Paragraph Fifty-Four - Non-Departmental - Joint Operations (910511)

For the payment of joint expenses, the sum of three million, eighty thousand, one hundred dollars (\$3,080,100) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc.	\$1,842,100
47071 Expense of Social Service District	1,208,000
47072 Expense of Weed & Seed Program	30,000

Paragraph Fifty-Five - Non-Departmental Subscriptions/Contribution (910611)

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

47040 Airport - Operating	\$35,000
47045 Airport - Capital Improvements	10,000

Paragraph Fifty-Six - Non-Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of eighteen thousand dollars (\$18,000) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$18,000
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Paragraph Fifty-Seven - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of six hundred fifty thousand, eight hundred sixteen dollars (\$650,816) is appropriated from the General Fund to be apportioned as follows:

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(1) Reserve for Contingencies \$650,816

Paragraph Fifty-Eight - Indebtedness Requirement General Fund (980142)

For the payment of interest and principal on bonds and lease purchases and bank seven million, five hundred seven thousand, one hundred fifty-eight dollars (\$7,507,158) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$7,503,558
(2) Bank Handling Charges 3,600

Paragraph Fifty-Nine - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-one million, nine hundred twenty-three thousand, four hundred twenty-nine dollars (\$21,923,429) is appropriated from the General Fund to be apportioned as follows:

(1) General Capital Projects Fund \$1,790,000
(2) School Fund 19,167,629
(3) Central Garage Fund 82,872
(4) Central Stores Fund 5,244
(5) Public Transportation Fund 583,860
(6) Sanitation Fund 291,400
(7) Parking Authority Fund 2,424

SUMMARY

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Expenditures and Revenues

Total General Fund Appropriation for the
Fiscal Year Ending June 30, 2003 \$56,980,181

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

Amount from Fund Balance	\$3,549,750
General Property Taxes	17,305,720
Other Local Taxes	23,148,819
Permits, Privilege Fees and Regulatory Licenses	163,920
Fines and Forfeitures	312,500
Revenue from use of Money & Property	962,130
Charges for Services	247,400
Miscellaneous Revenue	4,144,840
Recovered Costs	40,000
State Non-Categorical Aid	2,495,966
State Shared Expenses (Categorical-Aid)	287,350
State Other (Categorical-Aid)	2,810,682
Federal Categorical Aid	300,000
Loan Proceeds	272,572
Transfers from other Funds	<u>887,532</u>
Total General Fund Revenue for the Fiscal Year Ending June 30, 2003	<u>\$56,980,181</u>

SECTION II - SCHOOL FUND (1111)

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That the following sums of money be and the same hereby are appropriated for school purposes specified for the fiscal year ending June 30, 2003:

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION OF THE DEPARTMENT OF EDUCATION, the sum of twenty-six million, eight hundred ninety-three thousand, fifty-two dollars (\$26,893,052) is appropriated from the City School Fund to be apportioned as follows:

(1)	Instruction	\$26,893,052
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Paragraph Two - Administration/Attendance & Health Service (40620)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE OF THE DEPARTMENT OF EDUCATION, the sum of one million, eight hundred fifty-four thousand, three hundred fifty-four dollars (\$1,854,354) is appropriated from the City School Fund to be apportioned as follows:

(1)	Administration/Attendance & Health Service	\$1,854,354
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Paragraph Three - Pupil Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT OF EDUCATION, the sum of one million, sixty-four thousand, twenty-two dollars (\$1,064,022) is appropriated from the City School Fund to be apportioned as follows:

(1)	Pupil Transportation Service	\$1,064,022
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Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF EDUCATION, the sum of two million, nine hundred fifty-four thousand, five hundred twelve dollars (\$2,954,512) is appropriated from the City School Fund to be apportioned as follows:

(1) Operations and Maintenance \$2,954,512

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

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL OPERATIONS OF THE DEPARTMENT OF EDUCATION, the sum of one million, eight hundred ninety thousand, four hundred thirteen dollars (\$1,890,413) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services & Other
Non Instructional Operations \$1,890,413

Paragraph Six - Facilities (40660)

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

(1) Facilities \$2,000

Paragraph Seven - Technology (40680)

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For the current expenses of Technology of the Department of Education, the sum of one million, one hundred thousand, nine hundred seventy-five dollars (\$1,100,975) is appropriated from the City School Fund to be apportioned as follows:

(1) Technology \$1,100,975

SUMMARY

Expenditures and Revenues

Total School Fund Appropriations for

Fiscal Year Ending June 30, 2003 \$35,759,328

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

Fund Balance \$ 248,866

Revenue from Other Funds 1,700,045

Revenue from State School Funds 12,356,613

Revenue from Federal Funds 2,286,175

Transfers Receipts from City's General Fund
19,167,629

Total School Fund Revenue

for the Fiscal Year Ending June 30, 2003 \$35,759,328

SECTION III - GENERAL CAPITAL PROJECTS FUND (1310)

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That the following sum of money be and the same hereby are appropriated for General Capital Projects purposes herein specified for the fiscal year ended June 30, 2003:

Paragraph One - Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of one million, seven hundred ninety thousand dollars (\$1,790,000) appropriated as follows:

48608 Chesapeake Avenue Bridge	\$ 40,000
48610 2-way Communication System	500,000
48617 Port Republic Road Street Improvement	75,000
48637 Erickson Avenue Extension	500,000
48638 Cantrell Avenue Road Improvement	200,000
48639 Bicycle Routing Projects	40,000
48640 Traffic Calming Projects	75,000
48692 Hardesty Higgins House	360,000

SUMMARY

Expenditures and Revenues

Total General Capital Projects Fund Appropriation	
for the Fiscal Year Ended June 30, 2003	<u>\$1,790,000</u>

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

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34210 Transfer from General Fund \$1,790,000

Total General Capital Projects Fund Revenue

For the fiscal Year Ending June 30, 2003 \$1,790,000

SECTION IV - Water Capital Projects Fund (1321)

That the following sum of money be and the same hereby are appropriated for Water Capital Projects purposes herein specified for the fiscal year ended June 30, 2003:

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one million, five hundred ninety-nine thousand, five hundred twenty-seven dollars (\$1,599,527) is appropriated as follows:

48621 Western Raw Water Line	\$340,000
48627 Washington Street Tank Repair	150,000
48628 WTP Expansion Project	340,000
48634 Water Main Oversize/Extend	50,000
48635 Water Main Upgrades	50,000
48654 Eastern Source Development	669,527

SUMMARY

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Expenditures and Revenues

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Total Water Capital Projects Fund Appropriations

for the Fiscal Year Ended June 30, 2003 \$1,599,527

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

34220 Transfer from Water Fund \$1,599,527

Total Water Capital Projects Fund Revenue

for the Fiscal Year Ended June 30, 2003 \$1,599,527

SECTION V - Sewer Capital Projects Fund (1322)

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That the following sum of money be and the same hereby are appropriated for Sewer Capital Projects purposes herein specified for the fiscal year ended June 30, 2003:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of eight hundred seventy-two thousand, two hundred seventeen dollars (\$872,217) is appropriated as follows:

48630 Central Stores Building Project	\$100,000
48641 Blacks Run Interceptor	300,000
48642 Park View Sewer Improvement	49,217
48645 PHR&A I&I	300,000
48650 Sewer Main Oversize/Extension	73,000
48651 Sewer Main Upgrades	50,000

SUMMARY

Expenditures and Revenues

Total Sewer Capital Projects Fund Appropriation
for the Fiscal Year Ended June 30, 2003 \$872,217

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

34230 Transfer from Sewer Fund \$872,217

Total Sewer Capital Projects Fund Revenue
for the Fiscal Year Ended June 30, 2003 \$872,217

SECTION VI - Sanitation Capital Projects Fund (1324)

That the following sum of money be and the same hereby are appropriated for Sanitation Capital Projects purposes herein specified for the fiscal year ended June 30, 2003:

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of three million, nine hundred forty thousand, nine hundred sixty-eight dollars (\$3,940,968) is appropriated as follows:

48681 City Landfill closure and monitoring	\$263,800
48683 Steam Plant for CISAT	125,000
48684 County Landfill Development & Closure	441,668

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48685	Recycling Development	110,500
48686	Rebuild Steam Plant	3,000,000

SUMMARY

Expenditure and Revenue

Total Sanitation Capital Projects Fund Appropriation
for the Fiscal Year Ended June 30, 2003 \$3,940,968

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

34110	Bond Proceeds	\$3,000,000
34270	Transfer from Sanitation Fund	<u>940,968</u>

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Total Sanitation Capital Projects Fund Revenue
for the Fiscal Year Ended June 30, 2003 \$3,940,968

SECTION VII Park Authority Capital (1325)

That the following sum of money be and the same hereby are appropriated for the Park Authority Capital Projects purposes herein specified for the fiscal year ended June 30, 2003:

Paragraph One - Capital Projects (910641)

For the payment of capital expenditures of the Park Authority Capital Projects Fund, the sum of twenty thousand dollars (\$20,000) is appropriated as follows:

Notice Of Public Hearingo:p

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48653 Rehab. Parking Deck \$20,000

SUMMARY

Expenditure and Revenue

Total Park Authority Projects Fund appropriation
for the Fiscal Year Ended June 30, 2003 \$20,000

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

34275 Transfer from Parking Authority \$20,000

Total Park Authority Capital Projects Fund Revenue
for the Fiscal Year Ended June 30, 2003 \$20,000

SECTION VIII- WATER FUND (2011)

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That the following sums of money be and the same hereby are appropriated for water purposes herein specified for the fiscal year ending June 30, 2003:

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred eleven thousand, seven hundred eighty-two dollars (\$211,782) is appropriated from the Water Fund to be apportioned as follows:

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(1)	Personal Services	\$121,813
(2)	Other Operating Expenses	89,969

Paragraph Two - Pumping, Storage and Monitoring (322061)

For the current expenses of PUMPING, STORAGE AND MONITORING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of four hundred thirty-three thousand, four hundred ninety-five dollars (\$433,495) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$32,898
(2)	Other Operating Expenses	400,597

Paragraph Three - Transmission and Distribution (332061)

For the current expenses of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of seven hundred forty-four thousand, two hundred ninety-two dollars (\$744,292) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$409,584
(2)	Other Operating Expenses	334,708

Paragraph Four - Utility Billing (342061)

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of one hundred thirty-two thousand, six hundred twenty-nine dollars (\$132,629) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$79,250
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(2) Other Operating Expenses 53,379

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of one million, two hundred forty six thousand, two hundred fifty-seven dollars (\$1,246,257) is appropriated from the Water Fund to be apportioned as follows:

(1) Other Operating Expenses	\$18,552
(2) Depreciation	975,384
(3) Taxes, etc.	201,864
(4) Reserve for Contingencies	50,457

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of seven hundred seventy-one thousand, forty-seven dollars (\$771,047) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$440,756
(2) Other Operating Expenses	330,291

Paragraph Seven - Capital Outlay (372061)

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

(1) Capital Outlays	\$174,000
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Paragraph Eight - Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of two million, one hundred five thousand, six hundred forty-two dollars (\$2,105,642) is appropriated from the Water Fund to be apportioned as follows:

(1)	General Fund-Share of	
	Accounting, Collecting &	
	Data Processing	\$430,944
(2)	Water Capital Projects Fund	1,599,527
(3)	Central Stores Fund	75,171

SUMMARY

Expenditures and Revenues

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 2003	<u>\$5,819,144</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Permits, Privilege Fees and	
Regulatory Licenses	135,000
Revenue from use of Money & Property	213,495
Charges for Services	4,416,000
Recovered Costs	78,765

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Miscellaneous Revenues	500
Transfers for depreciation	<u>975,384</u>
 Total Water Fund Revenues	
for the Fiscal Year Ending June 30, 2003	<u>\$5,819,144</u>

SECTION IX - SEWER FUND (2012)

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 2003.

Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of three hundred seventy-eight thousand, five hundred seventeen dollars (\$378,517) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$218,694
(2)	Other Operating Expenses	159,823

Paragraph Two - Treatment and Disposal (422061)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one million, two hundred fourteen thousand, one hundred dollars (\$1,214,100) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 1,214,100
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Paragraph Three - Collection and Transmission (432061)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of six hundred seventy-eight thousand, eight hundred sixty-one dollars (\$678,861) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$394,555
(2)	Other Operating Expenses	284,306

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, forty-eight thousand, two hundred two dollars (\$1,048,202) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$11,387
(2)	Depreciation	827,172
(3)	Taxes, etc.	175,740
(4)	Reserve for Contingencies	33,903

Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred ninety-one thousand, five hundred forty-five dollars (\$191,545) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$91,365
(2)	Other Operating Expenses	100,180

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Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of fifty-nine thousand, six hundred forty-eight dollars (\$59,648) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$32,898
(2)	Other Operating	26,750

Paragraph Seven - Capital Outlay (472061)

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

(1)	Capital Outlays	\$275,000
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Paragraph Eight - Indebtedness Requirement - Sewer Fund (482061)

For the payment of the City's share of interest and principal on HRSA debt, the sum of one million, eighteen thousand, nine hundred dollars (\$1,018,900) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Serial Bonds, Interest, etc.	\$1,018,900
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Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of one million, two hundred ninety-five thousand, seven hundred ninety dollars (\$1,295,790) is appropriated from the Sewer Fund to be apportioned as follows:

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(1)	General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$416,580	
(2)	Sewer Capital Projects Fund	872,217	
(3)	Central Stores Fund		6,993

SUMMARY

Expenditures and Revenues

Total Sewer Fund Appropriations for
the Fiscal Year Ending June 30, 2003 \$6,160,563

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

Permits, Privilege Fees and Regulatory Licenses	76,000
Revenue from use of Money & Property	197,453
Charges for Services	5,024,438
Recovered Costs	35,500
Transfers for depreciation	<u>827,172</u>
Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 2003	<u>\$6,160,563</u>

SECTION X - PUBLIC TRANSPORTATION FUND (2013)

That the following sum of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 2003:

Paragraph One - Transit Buses (812081)

For the current expenses and depreciation of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of one million, seven hundred fifty-seven thousand, three hundred eighty-eight dollars (\$1,757,388) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$910,433
(2)	Other Operating Expenses	771,955
(3)	Depreciation	75,000

Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of one million, one hundred fifty-eight thousand, nine hundred sixty-one dollars (\$1,158,961) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$602,198	
(2)	Other Operating Expenses	496,763	(3)
	Depreciation	60,000	

Paragraph Three - Field Trips & Charters (832081)

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the Public Transportation Fund, the sum of one hundred twenty-seven thousand, seven hundred fourteen dollars (\$127,714) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$109,080
(2)	Other Operating Expenses	18,634

Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of one hundred ten thousand, six hundred thirty-five dollars (\$110,635) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$3,060
(2)	Other Operating Expenses	571
(3)	Depreciation	50,004
(4)	Reserve for Contingencies	57,000

Paragraph Five - Trolley Buses (850281)

For the current expenses of the TROLLEY BUSES, a division of the Public Transportation, the sum of sixty-eight thousand, eight hundred ten dollars (\$68,810) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$30,600
(2)	Other Operating Expenses	38,210

Paragraph Six - Capital Outlay (872081)

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For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of nine hundred seventy-six thousand dollars, (\$976,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlays \$976,000

SUMMARY

Expenditures and Revenues

Total Public Transportation Fund Appropriations
for the Fiscal Year Ending June 30, 2003 \$4,199,508

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

Use of Money and Property 20,004
Charges for Services 1,929,300
State Categorical Aid 555,000
Federal Categorical Aid 1,050,000
Transfers from General Fund and depreciation 645,204

Total Public Transportation Fund Revenues
for the Fiscal Year ending June 30, 2003 \$4,199,508

SECTION XI - SANITATION FUND

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That the following sums of money be and the same hereby are appropriated for Sanitation purposes herein specified for the fiscal year ending June 30, 2003:

Paragraph One - Co-Generation Facility (912142)

For the current expenses of the CO-GENERATION FACILITY, a division of the Sanitation Fund, the sum of one hundred ninety-six thousand, ninety-nine dollars (\$196,099) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 50,468
(2)	Other Operating Expenses	145,631

Paragraph Two - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of one million, eight hundred ninety-five thousand, seven hundred seventy-six dollars (\$1,895,776) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$747,956
(2)	Other Operating Expenses	1,147,820

Paragraph Three - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred ninety-eight thousand, nine hundred twenty-three dollars (\$498,923) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$295,927
(2)	Other Operating Expenses	202,996

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Paragraph Four - Landfill (932042)

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of one million, one hundred thirteen thousand, seven hundred twelve dollars (\$1,113,712) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 26,780
(2)	Other Operating Expenses	1,086,932

Paragraph Five - Miscellaneous (942042)

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Sanitation Fund, the sum of nine hundred sixty-seven thousand, eight hundred eighty-nine dollars (\$967,889) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Depreciation	\$872,736
(2)	Bond Issue cost	9,663
(3)	Land and steam agreement	26,545
(4)	Reserve for Contingencies	58,945

Paragraph Six - Recycling (952042)

For the current expenses of the RECYCLING, a division of the Sanitation Fund, the sum of six hundred seventy-eight thousand, four hundred fifty-two dollars (\$678,452) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$312,913
(2)	Other Operating Expenses	365,539

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Paragraph Seven - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of one hundred seventy thousand dollars (\$170,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Capital Outlays	\$170,000
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Paragraph Eight - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of eight hundred twenty-four thousand, eight hundred eighty-seven dollars (\$824,887) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Serial Bonds and Interest	\$824,887
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Paragraph Nine - Transfers (990242)

For transfers to Capital Projects for landfill closure and monitoring costs of the Sanitation Fund. The sum of nine hundred forty thousand, nine hundred sixty-eight dollars (\$940,968) is appropriated from the Sanitation Fund to be apportioned as follows.

(1)	Transfers to Sanitation Capital Projects	
	Fund	\$940,968

SUMMARY

Expenditures and Revenues

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

Total Sanitation Fund appropriations
for the Fiscal Year Ending June 30, 2003 \$7,286,706

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

Amount from Fund Balance	\$1,204,391
Licenses Permits and Privilege Fees	200
Revenue from use of Money & Property	200,000
Charges for Services	2,415,089
Miscellaneous Revenues	30,000
Recovered Costs	2,236,682
Transfers from General Fund, depreciation, etc.	<u>1,200,344</u>

Total Sanitation Fund Revenues
for the Fiscal Year Ending June 30, 2003 \$7,286,706

SECTION XII - PARKING AUTHORITY FUND (2015)

That the following sums of money be and the same hereby are appropriated for Parking Authority purposes herein specified for the fiscal year ending June 30, 2003:

Paragraph One - Parking Authority (410641)

For the current expenses and capital outlays and transfers of the PARKING AUTHORITY, a division of the Parking Authority Fund, the sum of two hundred sixty-six thousand, thirty-four dollars (\$266,034) is appropriated from the Parking Authority Fund to be apportioned as follows:

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(1)	Personal Services	\$95,827
(2)	Other Operating Expenses	106,878
(3)	Transfers	60,008
(4)	Reserve for Contingencies	3,321

S U M M A R Y

Expenditures and Revenues

Total Parking Authority Fund Appropriations

for the Fiscal Year Ending June 30, 2003

\$266,034

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

Amount from Fund Balance	\$80,710
Fines and Forfeiture	62,000
Revenue from use of money and property	30,000
Charges for Services	90,900
Transfers from General Fund 2,424	

Total Parking Authority Fund Revenues

for the Fiscal Year Ending June 30, 2003

\$266,034

SECTION XIII - GOLF COURSE FUND (2016)

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That the following sums of money be and the same hereby are appropriated for
Golf Course purposes herein specified for the fiscal year ending June 30, 2003:

Paragraph One - Grounds Management Operations (720271)

For the current expenses of the GROUNDS MANAGEMENT OPERATIONS, a division of the Golf Course Fund, sum of four hundred ninety-six thousand, eight hundred forty-seven dollars (\$496,847) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Personal Services	\$226,146
(2)	Other Operating Expenses	254,583
(3)	Reserve for Contingencies	16,118

Paragraph Two - Clubhouse Management Operations (720371)

For the current expenses of the CLUBHOUSE MANAGEMENT OPERATIONS, a division of the Golf Course Fund, the sum of two hundred fifty-eight thousand, one hundred sixteen dollars (\$258,116) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Personal Services	\$143,689
(2)	Other Operating Expenses	114,427

Paragraph Three - Indebtedness Requirement - Golf Club (720871)

For the payment of interest on a portion of the interest on the Public Recreation Facility General Obligation and Revenue Bonds, the sum of two hundred three thousand, eight hundred eighty-six dollars (\$203,886) is appropriated from the Golf Course Fund to be apportioned as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

(1) Serial Bonds, Interest, etc. \$203,886

SUMMARY

Expenditures and Revenues

Total Golf Course Fund appropriations
for the Fiscal Year Ending June 30, 2003
\$958,849

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

Charges for Services \$958,849

Total Golf Course Fund Revenue
for the Fiscal Year Ending June 30, 2003 \$958,849

SECTION XIV - CENTRAL GARAGE FUND (2111)

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2003:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of five hundred ninety-nine thousand, two hundred ninety-one dollars (\$599,291) is appropriated from the Central Stores Fund to be apportioned as follows:

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(1)	Personal Services	\$398,963
(2)	Other Operating Expenses	185,265
(3)	Reserve for Contingencies	15,063

Paragraph Two - Capital Outlay (672141)

For the capital outlays of the CENTRAL GARAGE, a division of the Department of Central Garage Fund, the sum of thirty-seven thousand dollars (\$37,000) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Capital Outlays	\$37,000
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SUMMARY

Expenditures and Revenues

Total Central Garage Fund Appropriations

for the Fiscal Year Ending June 30, 2003 \$636,291

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

Amount from Fund Balance	\$89,871
Use of Money and Property	5,000
Charges for Services	458,548
Transfer	<u>82,872</u>

Total Central Garage Fund Revenue

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

for the Fiscal Year Ending June 30, 2003

\$636,291

SECTION XV - CENTRAL STORES OPERATING FUND (2112)

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2003:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of eight-nine thousand, five hundred twenty-two dollars (\$89,522) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)	Personal Services	\$ 51,452
(2)	Other Operating Expenses	36,293
(3)	Reserve for Contingencies	1,777

SUMMARY

Expenditures and Revenues

Total Central Stores Fund Appropriations

for the Fiscal Year Ending June 30, 2003

\$89,522

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

Transfers from other Funds

\$89,522

Notice Of Public Hearingo:p

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Total Central Stores Fund Revenue

for the Fiscal Year Ending June 30, 2003

\$89,522

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV

IN THIS ORDINANCE

FOR THE FISCAL YEAR ENDING June 30, 2003

RECAPITULATION

Section I	General Fund	\$56,980,181
Section II	School Fund	35,759,328
Section III	General Capital Projects Fund	1,790,000
Section IV	Water Capital Projects Fund	1,599,527
Section V	Sewer Capital Projects Fund	872,217
Section VI	Sanitation Capital Projects Fund	3,940,968
Section VII	Golf Course Capital Projects Fund	20,000
Section VIII	Water Fund	5,819,144
Section IX	Sewer Fund	6,160,563
Section X	Public Transportation Fund	4,199,508
Section XI		7,286,706

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		Sanitation	
		Fund	
		Parking	
		Authority	
Section XII		Fund	266,034
		Golf	
		Course	
Section XIII		Fund	958,849
		Central	
		Garage	
Section XIV		Fund	636,291
		Central	
		Stores	
Section XV	-	Fund	<u>89,522</u>
TOTAL APPROPRIATIONS			\$126,378,838

SECTION XVI

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

That the rate of taxation of Real Estate and Manufactured Homes as defined in Section §36-85.3, Code of Virginia, 1950, as amended, be fixed at Sixty-two cents (\$0.62), and that the rate of taxation on Tangible Personal Property and Machinery and Tools, as defined by Chapter 35 of §58.1 of the Code of Virginia, 1950, as amended, be fixed at Two Dollars and No Cents (\$2.00) on each one hundred dollars (\$100) assessed valuation for the year 2002; real estate taxes to be collectible one half on or before December 5, 2002 and one half on or before June 5, 2003. It is expressly provided that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in §58.1-3504 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which applies to the real estate for which the City furnished police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Sections 58.1-3606 through 58.1-3608 of the Code of Virginia. Pursuant to Section 58.1-3400 through 58.1-3407 Code of Virginia, as amended, rate of service charge shall be Twelve Cents (\$0.12) per annum per \$100.00 of assessed valuation, payable one half on or before December 5, 2002 and one half on or before June 5, 2003. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

in such section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.)

That the salaries, wages and allowances set out in detail in the budget statement and in the documents entitled "Positions Grouped By Pay Grade-Effective 7/1/02", and Salary Schedule as of July 1, 2002, and adopted by the City Council for the fiscal year beginning July 1, 2002, and ending June 30, 2003, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise directed by the City Manager and that the City Manager is authorized to make such re-arrangements of salaries in the several departments within and between funds herein named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another. The City Manager is also authorized to transfer funds from the various reserve for contingencies that is necessary to fund the implementation of the salary and benefits recommendations. Furthermore, any positions not specifically listed in the Budget document may not be filled without prior written approval of the City Manager.

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

This ordinance shall become effective July 1, 2002.

Given under my hand this _____ day of _____, 2002.

CITY CLERK

MAYOR

City Manager Baker said that the budget was distributed to City Council on April 23rd. At the April 23rd City Council meeting a public hearing was held and the budget was adopted for a first reading. City Council requested and agreed to withhold any increased funding to the Office on Children and Youth and CART until after the City/County Liaison meeting. The City/County Liaison meeting was held and Rockingham County decided not to appropriate any money for the Office on Children and Youth. Mr. Baker said that since the County did not include any funding in its budget for the Office on Children and Youth, the City has not added any funding to its budget. Mr. Baker reviewed several other line items that will be changed.

Jane Hubbell, Director of the Office on Children and Youth, came to the podium to clarify a few issues concerning the program. She said that the program expected to receive one-time grant funding from the United Way. Rockingham Memorial Hospital Foundation is considering being the sponsor of the annual Teen Health Fair, and the Regional Health Department is willing to provide some funding to carry the program

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

through until next year. She said the Office on Children and Youth was only asking for a bridge to help with funding the program so it wouldn't lose some of the data. A tobacco grant was received last year because the Office on Children and Youth provided data on how many kids in the community smoked and use tobacco. This is a progressive community who understands the at risk behaviors of our youth. She introduced several members of the Office on Children and Youth in the audience.

Council Member Fitzgerald commented that the Office on Children and Youth is a worthy cause. However, since Harrisonburg, Rockingham County and the state were partners, he didn't think the City could continue funding the program alone. Council Member Fitzgerald offered a motion that Council resolve to adopt the budget. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Vice-Mayor Peterson said that he wanted to include \$16,670 for the Office on Children and Youth in the budget. He said the Office on Children and Youth has a significant chance on receiving some funding from other sources and he didn't want to see the program lose a year worth of data. Vice-Mayor Peterson offered an amended motion to Council Member Fitzgerald motion that Council resolve to put the Office on Children and Youth back into the budget. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

Absent None

Council Member Rogers said that it was important that City Council move forward and be positive leaders. He said, I am ready to apologize. I am sure I have said things to offend other Council Members. It is time for us to move forward. Council Member Rogers offered a motion that the Council resolve to advise the City Attorney to drop the issue on researching whether displaying political signs at a Council meeting was appropriate. The motion to resolve was approved with a unanimous vote of Council.

Vice-Mayor Peterson said, I have to ask a question, Larry before I can honestly accept that apology. Do you really believe there s anybody in Harrisonburg who can tell me how to vote on any issue before Council? Mr. Peterson accepted the gesture and shook hands, sealing the agreement to leave prior disagreements in the past. Minus the handshakes so did the other three City Council members.

City Manager Baker presented a brief report on Smithland waterline extension. He explained that at the City Council meeting of April 23rd, several residents of Smithland Road expressed concern regarding the need for public water. In certain circumstances, residents provided detail regarding the recent loss of water from their private well system. There appeared to be possible correlation among loss of private well supplies, severe drought conditions and installation/use of the City irrigation well at the Smithland Road soccer fields. He said that the City Engineer, Public Utilities Director and the on-site contractor reviewed the area warranting immediate service. The activity was productive from two perspectives. The contractor provided recommendations for the most cost effective route design. Also, the City Engineer committed resources to design approximately 3800 ft of waterline during the next two months. This design would extend a water pipeline, with limited fireflow, to the City soccer field. If constructed entirely, 19 existing homes and the City soccer complex could be provided with public water supply. There is approximately \$80,000 available within the Smithland Road water enterprise fund capital project fund. The City staff expects to partner with the contractor to expedite the installation of approximately 1,000 ft of pipeline beyond the current termination point of the existing contract. As a result, eight additional dwellings will be provided public water between June and September of this year.

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

HARRISONBURG CITY COUNCIL S RESOLUTION

REGARDING

THE LOCAL PLAN FOR THE VIRGINIA JUVENILE COMMUNITY CRIME

CONTROL ACT FUNDS

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

WHEREAS, the General Assembly enacted the Virginia Juvenile Community Crime Control Act in 1995 through the passage of Senate Bill 1114; and

WHEREAS, provisions of the Virginia Community Crime Control Act require that a local plan be submitted for the utilization of these funds in order to receive them;

NOW THEREFORE, BE IT RESOLVED, that the City Council of Harrisonburg supports the goal expressed by the Virginia Juvenile Community Crime Control Act of deterring juvenile crime through the establishment of community-based systems of sanctions, residential and non-residential programs and services, based on the offenses committed and treatment needed; and

BE IT FURTHER RESOLVED, that the City Council of Harrisonburg will participate in the Act and endorses the plan composed by its staff for the utilization of the Virginia Juvenile Community Crime Control Act funds, with the understanding that any components of the plans not performing according to the level expected may be amended.

ADOPTED AND APPROVED THIS 14TH DAY OF MAY, 2002

Roger D. Baker, City Manager

Attest:

Clerk of City Council

Brenda Spencer, Court Service Unit Supervisor, said that the Virginia Juvenile Community Crime Control Act was developed to deter juvenile crime through the establishment of community-based systems of sanctions, residential and non-residential programs and services, based on the offenses committed and treatment needed. She briefly reviewed the plan. The City will receive \$58,645 and the County \$62,703 with the City serving as the fiscal agent. Council Member Lantz offered a motion that Council resolve to adopt this resolution. The recorded roll call vote was taken as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

City Manager Baker presented a request for Council's consideration to extend water and sewer service to a lot outside the City limits. He explained that the Valley Brethren-Mennonite Heritage Center, Inc., a non-profit religious organization, has requested a water and sewer connection to the new Heritage Center on Garbers Church Road. He said the plan has been discussed with the Director of Public Utilities. Although, there is no requirement that the site plan be submitted to the City, Mr. Baker requested that it be submitted to the City for review by the water department. The developer is aware of some pressure and supply problems at the top of the ridge and that perhaps a booster pump might be needed to get an adequate supply of water to the site. Council Member Fitzgerald offered a motion that the Council resolve to authorize the City Manager and Public Utilities Director to move forward with this request. The motion to resolve was approved with a unanimous vote of Council.

Public Works Director Baker presented an overview on the status of Stone Spring/Erickson Avenue improvements. He explained that this project is part of the Major Street Plan, which improves the east-west movement of traffic, especially from West 33, Bridgewater, Dayton area to East 33 and Port Republic Road.

Mattern & Craig, Consultant Engineers are under contract with the City to develop right-of-way plans for this project. Prior to completion of the right-of-way plans public meetings will be held to receive public input on the design of this project. After the right-of-way plans are completed, negotiations for the right-of-way, and easements needed for the project will start, as well as the final construction plans. Under the current project schedule, the City is working from South High Street to Peach Grove Avenue. This is the original scope of the project and in that area the surveying has been completed, the preliminary design, traffic analysis and traffic data is compiled. The preliminary geotechnical and environmental assessments are complete. The right-of-way plans are approximately 60% complete. The project was expanded to include a section from South High Street to Garbers Church Road or the west City limits. Survey work is completed in this area and preliminary design has started. Geotechnical, environmental, traffic analysis and right-of-way plans will follow.

The current schedule will anticipate right-of-way plans by early 2003, with the extension to the west City limits by mid 2003. Purchase of right-of-way is scheduled to occur from spring of 2003 through

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 14, 2002

fall/winter of 2003. The actual project construction will be depending on funding sources. Currently, it appears the project will be divided into phases. Possibly some construction could start as early as fall of 2003.

Mr. Baker mentioned some current issues to be resolved that could affect the schedule. One issue is the coordination with VDOT on the replacement of Stone Spring Road bridge over I-81. This bridge is part of the I-81 planning. Currently we are not sure of the status of I-81 plans, or future of VDOT's plans for I-81. This will affect the project scheduling, as part of the bridge replacement is the rebuild of portions of Stone Spring Road, and Ramblewood Road with the I-81 project.

Mr. Baker said the second issue is the relocation of railroad tracks between South High Street and Pear Street. Preliminary plans have been submitted to the railroad with comments expected back by late June 2002. At that time we will know if the railroad approves of the concept for realignment of the track to accommodate an improved roadway connection to South High Street; however, we will not have final approval until negotiations are complete with the railroad which could take six to nine months, after the conception approval.

Another item is the confirmation of controlled access primarily between Main Street and High Street. The project will contain four lanes with bike lanes, and sidewalks, similar to Neff Avenue. Major street intersections will have a fifth center turn lane. Portions of this new roadway are planned for controlled access as approved in the Major Street Plan. Controlled access indicates that no residential or commercial entrances will be allowed to the roadway, only public street connections. Developable land on both sides of the new roadway would have access by existing streets, or by new streets, which would be connected to the project. Primarily the section from South High Street to Main Street would fall into this control.

Mr. Baker said staff is considering whether the typical section should be expanded where possible to provide a center turn lane to existing businesses and streets. If new street connections are constructed to this roadway, should we have space available for the construction of a center turn lane? The center lane would be at existing street intersections, and space made available by a raised landscaped median for future turn lanes if needed. This will require additional right-of-way and increase cost of the project. Currently cost estimates are being developed to evaluate the impact of a center turn lane throughout the project. Between Main Street and South High Street it is anticipated that approximately three street connections could be developed to currently undeveloped land.

An alternative is to consider the section from Main Street to South High Street limited access. Limited access would indicate no street, connections except for the intersections of the existing streets: Pear, South High Street and Main Street. This would eliminate the need for a center turn lane in this section. Access to the adjoining land would be by Pear Street or Pleasant Hill Road.

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City Council has appropriated 2.5 million for this project to date. These funds are being used for project design and right-of-way purchases. City staff is working with VDOT to obtain State Urban funds for the construction of this project. However, VDOT's Urban six-year plan is under complete revision as directed by Governor Warner. Currently the State Urban Funds allocated to the City are paying off the West Market Street project. Urban funds for other projects will not be available until 2004-2005.

City staff is encouraging VDOT to allow the City to provide the project administration of the entire project, within the standards set by VDOT. This should allow for a faster project completion and lower cost. In order to keep this project on schedule, and meet the traffic demands of our City, consideration will have to be given to issuing local debt, in the form of bonds, and utilizing local funds to cover all or portions of the project.

Previous cost estimates for this project were at \$17 million. The cost has increased with the need to add turn lanes at the intersection, and the turn lane on the major bridge, the expansion of the project to the west City limits, environmental and drainage concerns that were identified in the preliminary design study, and the potential impact of VDOT plans for Stone Springs Road bridge over I-81. He said that updated cost estimates are expected from the engineers by July 2002.

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

IN SUPPORT OF A PUBLIC-PRIVATE PARTNERSHIP TO ENSURE

IMPROVEMENTS FOR INTERSTATE 81 AND THE DEVELOPMENT OF INTERMODAL FREIGHT FACILITIES

WHEREAS, Interstate 81 is the major surface transportation route serving the region, moving goods and people throughout the eastern part of the United States; and

WHEREAS, this Interstate represents a critical element in the economic future of western Virginia; and

WHEREAS, current truck volumes, which often approach 40% of the volume on many segments of Interstate 81, create dangerous travel conditions for passenger cars and other trucks; and

WHEREAS, under existing conditions Interstate 81's future capacity to handle additional truck and passenger vehicle traffic is limited, creating the need to provide facility improvements in order to enhance safety and increase overall capacity; and

WHEREAS, funds for widening Interstate 81 are limited in the future, resulting in a scheduled completion date of 30 or more years in the future; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE OF HARRISONBURG, VIRGINIA, that the City Council supports the Mayors and Board Chairmen representing the counties of Alleghany, Bedford, Botetourt, Craig, Franklin, Montgomery, and Roanoke, the cities of Christiansburg, Clifton Forge, and Vinton in supporting the establishment of a public-private partnership that will help reduce the time required for the widening of Interstate 81 to the shortest possible time frame and the development of intermodal freight facilities along the Interstate 81 corridor which will allow trucks to be diverted to rail, wherever feasible.

Mayor

Attest:

City Clerk

Council Member Fitzgerald offered a motion that Council resolve to adopt the resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

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Absent None

Park and Recreation Director Foerster presented for Council's approval a request to locate a new skateboard park in Westover Park. He said that his office widely advertised two meetings about the planned skateboard park. Questionnaires were collected from more than 150 residents. The Parks and Recreation Department researched three locations and recommended Westover Park at the second meeting. Mr. Foerster said that Westover Park is centrally located, it is on the City's bus route and has other facilities, which would complement a skate park, such as the recreation center and picnic areas. Westover Park has City staffers and would have a place for skaters to go when it rains. The skateboard park will be the size of two tennis courts and no larger than a square with 120-foot sides. The City will work with the skateboard park's neighbors at Westover for a congenial relationship. Mr. Foerster said noise should not be a problem with this type of park. He said that at the regular meeting of the Parks and Recreation Commission, which was held on Monday, April 15th, the members of the commission visited the intended sites and discussed various issues with staff. A motion was proposed and passed unanimously recommending to City Council that the skateboard park should be located in Westover Park. Council Member Fitzgerald offered a motion that the Council resolve to endorse the idea and approve the site as recommended by the Parks and Recreation Commission. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented a certified receipt of 2002 Council election results provided by City Registrar Long.

Hugh J. Lantz	3,170
Larry M. Rogers	2,900
Cheryl E. Talley	1,788
Debra L. Stevens	1,691

Council Member Fitzgerald 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 to resolve was approved with a unanimous vote of Council.

City Manager Baker presented a request to paint a mural on side of the Community Development Building. Judy Levine representing the Arts Council of the Valley said that they would like to paint a mural in conjunction with the celebration that is being planned for this summer. A local artist has submitted a sketch for the mural with the theme of a woman face and profile with flowing hair behind looking like the stripes of the flag. She requested that the Public Works Department assist with advice concerning the preparation of the wall. City Manager Baker requested that the landscaping not be disturbed. Council

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Member Fitzgerald offered a motion that the Council resolve to grant permission to paint the mural on the building. The motion to resolve was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that the Council resolve to designate Brian Shull as the City representative to the Shenandoah Valley Partnership. The motion to resolve was approved with a unanimous vote of Council.

City School Triplett presented a request for a supplemental appropriation for the School Board. He explained that these funds will be used for additional students who were served lunch and breakfast and Title VI Federal program for Innovative Ed. Program Strategies. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$102,219.00 chge. to: 1111-33301 School Revenue

20,000.00 chge. to: 1111-31691 School Revenue Other Funds

\$ 2,219.00 approp. to: 1111-111114-40610 Instruction

120,000.00 approp. to: 1111-111114-40650 School Food Service

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

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Finance Director Seal presented a request for a supplemental appropriation for the City Attorney and the Finance Department. He explained that these funds are necessary to eliminate projected deficits at June 30, 2002. Council Member Rogers offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$42,000 chge. to: 1000-21142 Machinery and Tools Current

\$26,000 approp. to: 1000-120411-43152 Other legal services

16,000 approp. to: 1000-121511-43160 Banking service contract

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Finance Director Seal presented a request for a supplemental appropriation for the Sanitation Capital Projects Fund Budget. He explained that the City entered into a bank loan to fund its portion of the county's landfill expansion. The proceeds of the bank loan have been expended and this request is to appropriate a portion of the interest that those funds earned. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$30,811.83 chge. to: 1324-31010 Amount from fund balance

2,409.29 chge. to: 1324-31513 Investment earnings

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\$ 7,651.35 approp. to: 1324-910142-48683 Steam Plant for CISAT

25,569.77 approp. to: 1324-910142-48684 County landfill development and closure

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used for a Stealthstat (traffic monitoring data collection device). Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$3,730.00 chge. to: 1000-33524 DMV Grant

\$3,730.00 approp. to: 1000-310231-46100 Police Supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

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Council Member Rogers

Mayor Frank

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used new striping and lettering of vehicles. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$3,306.00 chge. to: 1000-31901 Recoveries & rebates

\$3,306.00 approp. to: 1000-310131-48251 Motor vehicles

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used for a radar unit. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

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\$1,125.00 chge. to: 1000-33524 DMV grant

\$1,125.00 approp. to: 1000-310231-46140 Other materials and supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Bucky Berry, a resident of 877 North Main Street, complained about his deteriorating sidewalks, lack of available police officers to observe traffic issue concerning school buses, and that all City workers should wear a safety hat.

Dale Metzler, a resident of 1513 North College Avenue, congratulated Council Members Lantz and Rogers on their successful re-election campaign. He also said that he was disappointed that the Office on Children and Youth did not receive the requested funding it was seeking.

At 9:22 p.m., Council Member Fitzgerald offered a motion that the Council resolve to enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: the Board of Zoning Appeals and the Planning Commission. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). Discussing a specific public officer or appointee of the Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code).

At 11:02 p.m., the closed session ended and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge

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and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:03 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 28, 2002

REGULAR MEETING

MAY 28, 2002

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.

Council Member Rogers delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the City Attorney, Finance Department, Sanitation Capital Projects Fund Budget, School Division, and the Police Department. The motion also included the second reading of a rezoning request by Gail A. Back, Franklin R. Blatt, and Candace F. Blatt, and amending the Zoning and Subdivision Ordinance of the City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

 Council Member Lantz

 Council Member Rogers

 Vice-Mayor Fitzgerald

 Mayor Frank

Absent None

Council Member Lantz requested the unanimous consent of Council to change the agenda by adding a presentation by Ted Adams, an attorney representing the American Trucking Association and the SMART Group. This agenda item will be number 7A.

Planning and Community Development Director Turner introduced a request by John and Annette Holloran to conditionally rezone 0.31 acres of land from R-2, Residential District to R-3C, Multiple Dwelling Residential District (conditional). She said that the site is located at 409 Virginia Avenue and contains one single-family house. With approval, Mr. Holloran will purchase the property and then plans on converting the first two levels into professional office space for his law practice. The Comprehensive Plan's Land Use Guide designates this property as neighborhood residential. This classification is intended for 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 larger housing units on small lots. She reviewed the surrounding uses in the area. The rezoning of the property located at 409 Virginia Avenue would adjust the zoning from R-2 Residential District, to the more intense R-3C, Multiple Dwelling Residential District (Conditional). Mrs. Turner explained that when staff reviews rezoning requests they look at what zoning district correlates with the Comprehensive Plan designation. In the case of this property, although the Comprehensive Plan designation is not an exact fit with the zoning requested, it is not in conflict. The document calls for this section of Virginia Avenue to be neighborhood residential, a designation that correlates most closely with the R-2 zoning classification. In an effort to protect the surrounding neighborhood from an obstructive use in the future, the Hollorans have proffered to use the

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property for only the following: 1) Any use permitted by right in the R-1 and R-2 Residential Districts which would basically be the single-family type homes. 2) Medical offices and professional offices as defined in the Zoning Ordinance. 3) The lot line between the front and back lots would be vacated. 4) Owner would install and maintain a vegetated landscape buffer along the northern and western boundary line of the property. 5) Hours of operation have also been proffered so that weekday patrons would only visit this facility between the hours of 7:00 a.m. and 6:00 p.m. Weekend patrons would be limited to visits between the hours of 10:00 a.m. and 3:00 p.m. 6) The applicant has offered a proffer stating that the owner will preserve the integrity of the present structure on the property to maintain its unique heritage and architecture. These proffers are consistent with the Comprehensive Plan neighborhood residential policy of protecting the single-family character of the area and encouraging any new development to be compatible with existing facilities. She said that Planning Commission recommended by a vote of six to one to approve this rezoning request.

At 7:40 p.m., Mayor Frank closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, May 13, and Monday, May 20, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold public hearings on Tuesday, May 28, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING- HOLLORAN PROPERTY

-

Public hearing to consider a request by John and Annette Holloran to conditionally rezone 0.31 acres of land from R-2, Residential District to R-3C, Multiple Dwelling Residential District (conditional). The site is represented by tax map 35-F-1 & 4 and is located at 409 Virginia Avenue.

The Comprehensive Plan designates this area as neighborhood residential. This designation is intended for 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 larger housing units on small lots.

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 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. There being no one

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desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve 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 Fitzgerald

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request by Lee and Associates to conditionally rezone 5.455 acres of land from R-3, Multiple Dwelling Residential District to B-2C, General Business District (conditional). The property is located at the intersection of Port Republic Road and Devon Lane. She said that the request is to construct professional offices and allow shops and restaurants to occupy part of the professional office building. She reviewed the surrounding uses in the area. She also explained that currently, under the R-3, Multiple Dwelling Residential District, business and professional offices are uses that are permitted by right, but Mr. Lee wants to have some smaller retail uses in the building. Staff had concerns with the professional office development use because the Comprehensive Plan designates this area as a medium-density residential classification. The Comprehensive Plan designation of medium-density residential states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplexes, and two or three story apartments and densities can range from 1 to 15 units per acre. This Comprehensive Plan designation does not mention any type of flexibility with uses that would be commercial in nature in this area. She said that a professional office building or apartment complex could be built under the current R-3, Multiple Dwelling Residential District. However, staff's concerns are not with apartment or professional office development, but that of inserting more intense B-2, General Business District uses, into a residential area when there are multiple locations already zoned for this type of development. She reviewed a sketch of the intended building including the elevation of the site. Mrs. Turner reviewed the proffers, which included governmental, business and professional offices and financial institutions, community rooms, museums, galleries, religious, civic, educational, charitable, medical or benevolent institutional uses not providing housing, research and development activities with certain restrictions, public uses, public and privately owned parking lots, and parking garages, retail stores, personal service establishments, and general service shops. Further proffers made at the Planning Commission meeting included that the square footage of any one unit devoted to retail or service shall not exceed 30% of the total square footage devoted to retail and service uses, parking lots and parking garages permitted shall be developed for use in connection with other permitted uses, not as standalone operations, and no single building on the property may exceed 70,000 square feet, excluding square footage devoted or related to underground parking. In addition, a proffer was made that the sale of alcoholic beverages for off-premises consumption would not be permitted. Also, a statement was submitted that a high-quality level of exterior finish and design of the building shall be subject to architectural approval by the City's planning staff in

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accordance with the restated proffers. The applicant also proffered to provide some additional parking to Devonshire Property Owners Association. The applicant stated that they would contribute \$2,000 toward the cost of installing a pedestrian crossing walk light at the intersection of Port Republic Road and Devon Lane if the City elected to install such a crossing light in connection with the City's planned improvements to Port Republic Road. The project would offer amenities within walking distance for near-by residents who otherwise would have to drive to one of the City's retail areas. Mrs. Turner said that Planning Commission recommended unanimous approval of the request.

At 7:47 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, May 13, and Monday, May 20, 2002.

Notice Of Public Hearing

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The Harrisonburg City Council will hold public hearings on Tuesday, May 28, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

e Zone

REZONING LEE & ASSOCIATES

-

Public hearing to consider a request by Lee & Associates to conditionally rezone 5.455 acres of land from R-3, Multiple Dwelling Residential District to B-2C, General Business District (conditional). The site is represented by tax map 92-F-1,2,3 and 92-J-22 and is located at 861 and 865 Port Republic Road. (Note the existing R-3 zoning permits professional office use. The requested B-2C zoning is desired to permit retail and restaurant uses and for greater height.)

The Comprehensive Plan designates this area as medium density residential. This designation is for areas near major thoroughfares or commercial areas and is intended to contain housing types such as single-family, duplex, and two or three story apartments. Densities in these areas may range from 1 to 15 units per acre.

The R-3, Multiple Dwelling Residential District is intended for medium to high-density residential developments 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.

The B-2 district is intended to provide a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational and service activities generally serving the City, a wide area of the region, and the traveling public. No residential uses are allowed by right in the B-2 district. Existing residential uses may be nonconforming in nature, and must follow certain restrictions as discussed under continuance of nonconforming uses.

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

MINUTES - REGULAR MEETING OF CITY COUNCIL - MAY 28, 2002

Roger D. Baker

City Manager

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

David Lee, a resident of 1159 Nelson Drive, said that he was the developer of the site was available to answer any questions.

James Miller, president of Devonshire Homeowners Association, sent a letter to City Manager Baker expressing endorsement of the project.

John Hopkins owner of Neighbors Convenience Store said that he supported rezoning the tract to accommodate commercial shops and services in the new building. He commended Mr. Lee for bringing the project to Harrisonburg.

Jerry Bennett, a resident of Westmoreland Drive, said that rezoning this property could set a precedent and open the door for other commercial businesses to locate in residential areas. He said, "Once this project goes through, what will stop another project from coming to Neff Avenue? It is spot zoning and the neighborhood does not want it. He requested that Council not approve the project.

Some discussion by Council Members relative to the request included Planning Commissioners were convinced it is a better use for the area with regard to the neighbors, less traffic, will reduce density in the area, will be an improvement to the area, professional offices close to neighborhoods is a plus, and it is an attractive alternative to student housing.

There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion 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 Fitzgerald

Mayor Frank

Absent None

Council Member Fitzgerald presented the following resolution for Council's consideration of approval:

RESOLUTION

WHEREAS, Patricia Doss has served as executive vice-president of the Harrisonburg Rockingham Chamber of Commerce since March 1, 1991; and

WHEREAS her many contributions to this community signify her dedication and love for the area; and

WHEREAS she has promoted city-county cooperation in the areas of transportation, development, and education; and

WHEREAS new programs during her term include the Farm Family Stewardship Awards and environmental cleanup initiatives; and

WHEREAS she has worked to expand the Community Leadership participant program and to involve area businesses with the Rockingham Educational Foundation; and

WHEREAS she has served on many boards and commissions aimed at improving and promoting Harrisonburg, Rockingham County and the Shenandoah Valley,

NOW, THEREFORE, BE IT RESOLVED, that on the occasion of her retirement from her post, the *City of Harrisonburg* salutes and commends *Patricia Doss* for her many contributions to the community, and wishes her good fortune and personal fulfillment in her future pursuits.

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Date

Carolyn W. Frank, Mayor

Attest:

Yvonne Ryan, CMC, City Clerk

Council Member Fitzgerald said that this resolution will be presented to Pat Doss at a Chamber of Commerce dinner. Council Member Fitzgerald offered a motion to approve the resolution. The motion was approved with a unanimous vote of Council.

Ted Adams, an attorney with Troutman Sanders Law Firm and representing Smart Solutions said that he was appearing on behalf of the American Trucking Association regarding a resolution adopted at the May 14th City Council meeting. The resolution stated that Mayors and Board Chairmen representing many counties and cities supported the establishment of a public-private partnership that would help reduce the time required for making improvements to Interstate 81. He said that Smart Solutions is also in favor of improvements to Interstate 81, but does have some specific concerns about the proposal that has been submitted under Virginia Private Transportation Act to create four new truck lanes on I-81 because the toll would be imposed on trucks only. He said it would make I-81 the only road in the nation to impose tolls on trucks.

Mike Tisdell, business unit manager of the Coors Brewing Company, said that the Shenandoah Plant is a finishing and packing operation employing approximately 460 people. The company recently celebrated its 15th anniversary in Elkton. A truck toll would cripple the company's ability to compete with other brewing facilities, provide a negative impact on future growth, and could have a potential negative impact to deliveries being made on time. Coors Brewing Company is currently in the process of improving its distribution systems in the eastern United States. It annually receives 10,000 truckloads of materials and supplies, and ships 36,000 truckloads of beer. Most of the facility's customers do not have access to rail service that could decrease the number of truck shipments. He said a final concern is the impact that a toll will have on trucks using I-81. He asked for Council support in helping to fight the Star Solution proposal.

Neil Snoddy responsible for warehousing and distribution of Cargill Turkey Eastern Operation said that a toll on its trucks would increase the company's costs by double digits. It would place the company at a competitive disadvantage and would alternately affect the community. He said, "We have 45 units that could use this route everyday, and adding 20 cents per mile would greatly impact the company. The likely alternative is that the company would divert truckers from I-81 onto U.S. 11 through Harrisonburg's

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downtown.

Jim Hartman, president of Truck Enterprises, said that Truck Enterprises has been in Harrisonburg for over 40 years. He said that he is one of thousands of suppliers shipping product and using I-81. Millions of dollars in revenue annually are transacted with local business operations for goods and services by persons using this North-South main artery. He said any toll placed on I-81 traffic should be distributed equally among all traffic users, not just truckers. Truckers are the life blood of our existence and if we do not have their business relationships, we cannot exist and be part of this community, employing people, earning a profit, investing in expansions, buying goods and services locally, and paying taxes. Trucking companies and suppliers represented in this area are facing a major financial impact if the proposed toll is enacted. We are a dealer, but we are operating trucks on I-81 everyday. He said that he disagreed with the Star Group, which expects to make a sizeable profit on the project. They indicate it will be an economic stimulus for the entire I-81 corridor by creating new jobs and increased demand for goods and services even with tolls. We all agree the expansion needs to take place, but payment should include all traveling vehicles and not collected through an inefficient toll system. He said, I would be happy to pay my share. I think everybody owes the state that participation in the road segment. However, collecting tolls is often inefficient on any road. The transportation department should place an additional gas and diesel fuel tax at gas stations along I-81 corridor. The suppliers to this trucking industry who deliver the vast majority of the goods you daily use and consume, respectively request you consider the negative impact this proposed funding would render on our state, communities, companies, families and commit to another fiscal sound alternative to financing the widening of I-81.

Council Member Rogers asked Mr. Adams if he had a solution for the traffic problems on I-81. Mr. Adams came to podium and responded that Star Solutions proposal was initiated by private industry wanting four brand new lanes mostly in the existing median strip for use by trucks only. VDOT has reviewed an initial engineering study on a third lane in each direction with some interchange improvements. He said more open dialogue is needed, provide an opportunity to look at options like a third lane, and study specific areas of congestion. He said We don't think that the answer is to create an additional four lanes on I-81 from border to border.

City Manager Baker said that the resolution Council passed at the May 14th meeting was very generic encouraging the state to improve I-81 by forming a public-private partnership. It did not address tolls for anyone.

Mr. Adams said Council would have an opportunity to voice their opinion at the Public Private Transportation Act (PPTA) process meetings. He said that the resolution Council passed is fairly generic in nature, but is being seen by the public and the media as the beginning of approval of this toll proposal. He said, We want to make sure you understand the implications of a toll proposal on the business community in Harrisonburg.

City Manager Baker presented a request to amend the Financial Management Policy. He explained that currently the City invests bonds in SNAP, which only earns 2.05% interest. Since the money the City

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borrowed in not needed immediately, the City would like to invest the securities into a money manager program earning up to 4.8%. However, the City's Financial Management Policy adopted in 1995 limits the City to invest in securities, which mature in one year or less. This request is to amend the policy to state three years or less. Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

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

RESOLUTION

WHEREAS, the Harrisonburg-Rockingham Community Services Board was created pursuant to Chapter 10, Title 37.1 of the Code of Virginia for the purposes of establishing, maintaining, and promoting the development of mental health, mental retardation and substance abuse services; and

WHEREAS, the Harrisonburg-Rockingham Community Services Board was duly organized on May 8, 1972 in accordance with Resolution adopted by the City Council of the Harrisonburg, Virginia and the Board of Supervisors of Rockingham County, Virginia on March 14, 1972 and February 14, 1972 respectively; and

WHEREAS, the mission of the Harrisonburg-Rockingham Community Services Board is to develop and maintain a continuum of innovative community-based treatment and rehabilitation services for individuals with mental health, mental retardation and substance abuse disabilities; to ensure these services are responsive to the needs and sensitive to the choices of the individuals served; and to fulfill a special obligation to individuals with the most severe impairments, their families who require support, and children at risk of developing serious problems; and

WHEREAS, each year thousands of local residents and their families benefit from services and supports provided by the Harrisonburg-Rockingham Community Services Board; and

WHEREAS, the Harrisonburg-Rockingham Community Services Board has forged invaluable partnerships with consumer and advocacy groups, and with public, private, and not-for-profit agencies in order to enhance and expand local community treatment and rehabilitation services over the past thirty years; and

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WHEREAS, the Harrisonburg-Rockingham Community Services Board has been ably led over the past thirty years by local Board Members who have generously donated their time and talents; and

WHEREAS, the Harrisonburg-Rockingham Community Services Board has been ably served over the past thirty years by a staff of competent, committed, caring professionals; and

WHEREAS, the Harrisonburg-Rockingham Community Services Board is recognized as a well managed human service agency, a valued partner in preserving the quality of Valley life for all local residents; and a community program which puts consumers first;

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council on behalf of the citizens of Harrisonburg does hereby commend and express sincere congratulations to the Harrisonburg-Rockingham Community Services Board on the occasion of its 30th anniversary of service to this locality.

Mayor

Attest:

Clerk of the Council

City Manager Baker said that this resolution recognizes the Harrisonburg-Rockingham Community Services Board for being in existence since May 8, 1972. The board was organized for the purposes of establishing, maintaining, and promoting the development of mental health, mental retardation and substance abuse services. Council Member Lantz offered a motion to adopt the resolution. The motion was approved with a unanimous vote of Council.

Charlotte McNulty, executive director of CSB, said that the board started with support from Harrisonburg and Rockingham County in the amount of \$2,000 from each locality. The board now has an annual budget of more than \$5 million along with real estate dotting the area. She thanked City Council for their continued support. She said that Harrisonburg was significantly involved in the development of the McNulty Center for Children and Families, which opened in 1999 by donating land as well as finances for its development. The McNulty Center in its first year provided services to 610 children and youths.

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City Manager Baker presented a request to increase the Golf Course Capital Projects Fund budget. He explained that funds were received from selling timber, donations, and rental of property. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$139,452.70 chge. to: 1326-31010 Amount from fund balance

67,929.37 chge. to: 1326-31513 Investment earnings

1,000.00 chge. to: 1326-31521 Rental of property

100,000.00 chge. to: 1326-31818 Donation First TEE

427.20 chge. to: 1326-31908 Sale of timber

\$308,809.27 approp. to: 1326-910771-48660 Golf Course construction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Fitzgerald

Mayor Frank

Absent None

City Manager Baker presented a request to increase the Public Utilities Department petty cash fund from \$750.00 to \$1,000.00. He explained that the increase is necessary for cashiers to have enough petty cash on hand. Council Member Rogers offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He explained that these funds were received from donations or other recovered costs for services during the

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budget year. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$14,435.54 chge. to: 10001914 Recovered costs

6,628.77 chge. to: 10001809 Donations

\$21,064.31 approp. to: 320332-41010 Salaries & Wages Regular

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
 Council Member Lantz
 Council Member Rogers
 Vice-Mayor Fitzgerald
 Mayor Frank

Absent None

City Attorney Miller presented the following resolution for Council's consideration:

**RESOLUTION OF THE
COUNCIL OF THE CITY OF HARRISONBURG
CONCERNING A
WATER LINE EASEMENT AFFECTING
TAX MAP PARCEL 84-C-19
OWNED BY THE HEIRS OF JAMES H. SMALLWOOD**

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

WHEREAS the City of Harrisonburg, Virginia (the City) is authorized to acquire interests in real property for public uses by eminent domain pursuant to Section 15.2-1901, *et seq.*, of the Code of Virginia (1950), as amended (the Code), and

WHEREAS the City is in the process of developing a water line to increase the flow for fire fighting and other public purposes in the vicinity of Nelson Drive and the Ashby Heights area of the City (the Project) and

WHEREAS the Project is in the public interest and for a public use, and

WHEREAS it is a necessity of the Project that the City acquire that 2147 square foot water line easement across Harrisonburg Tax Map Parcel 84-C-19 as shown on Attachment A, (the Easement), and

WHEREAS the Easement affects land now owned, as far as currently known by the City, by the heirs-at-law of James H. Smallwood, who, to the City's best knowledge currently are Edith Spitzer, Larry Smallwood, Rhonda Smallwood, Donald Lee Smallwood, Linda L. Mathews, Claudia L. Kelley and Rebecca June Bare, and

WHEREAS the improvements to be constructed within the Easement are those usual and customary to the overland conveyance of water within a municipal water system, and

WHEREAS the land to be affected is not owned by any entity described in Code Section 25-46.6, and

WHEREAS a bona fide but ineffectual effort has been made to acquire from the owners by purchase the Easement, it is therefore

RESOLVED by the Council of the City of Harrisonburg, Virginia that the power of eminent domain be employed to acquire the water line easement as described on Attachment A across that Harrisonburg, Virginia. Tax Map Parcel 84-C-19 from the heirs of James H. Smallwood, or other owners as they may appear, and that the City Attorney and the Director of Public Utilities take whatever actions and

measures are necessary and prudent to carry out this Resolution.

So Resolved this 28th day of MAY, 2002.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

City Attorney Miller explained that the City is in the process of developing a water line to increase the flow for fire fighting and other public purposes in the vicinity of Nelson Drive and the Ashby Heights area. Because the ownership of the property involves many heirs, it has been difficult to contact or find some of the heirs. Since the project needs to proceed, this resolution allows the City to pursue a Quick-take for an easement associated with the construction. Mr. Miller also said that the Quick-take provision was in the Virginia Department of Transportation section of the state code allowing projects to be built and not be held up because of one absent property owner. Vice-Mayor Peterson offered a motion to approve this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Fitzgerald

Mayor Frank

Absent None

Bucky Berry, a resident of 877 North Main Street, said that McNulty Center was a great asset to the City.

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Council Member Fitzgerald suggested and other Council Members agreed that City Manager Baker review Star Solutions web site and the presentation of the resolution adopted at the May 14th Council meeting to determine if perhaps it is being viewed as a stronger endorsement of Star than what City Council intended. He said if it is a misrepresentation of what Council actually said, perhaps Mr. Baker could point it out to Star in a firm and diplomatic fashion. Council Member Rogers also said that if it is misleading, Council could pass another resolution publicly opposing Star Solutions proposal.

Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: the Board of Zoning Appeals and the Planning Commission. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). Further, for discussing a specific public officer or appointee of the Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). Further, for discussing the negotiation of contracts. A closed session is permissible for this purpose to Section 2.2-3711.A.6 of the Code of Virginia (1950), as amended (the Code). Further, for discussion of certain law enforcement and public safety matters. A closed session is permissible for this purpose pursuant to Section 2.2-3711-A.17 of the Code of Virginia (1950), as amended (the Code), or, the information to be discussed is excluded from the Freedom of Information Act pursuant to Section 2.2-3705.A.57 of the Code of Virginia (1950), as amended. IN ADDITION, the purpose of the closed session is for the discussion of matters related to the acquisition real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the Code). The motion was approved with a unanimous vote of Council.

At 10:00 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by City Council.

At 10:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 11, 2002

REGULAR MEETING

JUNE 11, 2002

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

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

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Fire Department, and increasing the Golf Course Capital Projects Fund budget for a second reading. The motion also included the second reading of a rezoning request by John and Annette Holloran and Lee & Associates. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

City Manager Baker presented a request for a supplemental appropriation for a \$42,010,000 bond. He explained that these funds were received from a May 22, 2002 bond sale and will be used to reimburse the City for purchasing Harrison Plaza Building, renovating the building and rebuilding the steam plant. The water portion of the bond will be used to put a cover on a reservoir, expand the water treatment plant and fund a portion of the Eastern Water Source Development.

At 7:37 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, June 4, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 11, 2002 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2001-2002 budget in the amount of \$22,770,000. These funds are the proceeds from the recently completed \$42,010,000 bond issue. The funds will be used to reimburse the General Fund, renovate Harrison Plaza, rebuild the steam plant and do several water projects.

The budget increases will be as noted below:

Revenues:

General Fund:	
Transfer from capital projects	\$3,760,000

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General Capital Projects Fund:	
Bond proceeds	6,080,000
Water Capital Projects Fund:	
Bond proceeds	10,620,000
Sanitation Capital Projects Fund:	
Bond proceeds	<u>2,310,000</u>
Total revenues	<u>22,770,000</u>

Expenditures:

General Fund:	
Amount from fund balance	\$3,760,000
General Capital Projects Fund:	
Public Safety Building	6,080,000
Water Capital Projects Fund:	
Reservoir covers	3,000,000
Water Treatment Plant expansion	5,000,000
Eastern Water Source Development	2,620,000
Sanitation Capital Projects Fund:	
Rebuild Steam Plant	<u>2,310,000</u>
Total expenditures	<u>22,770,000</u>

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 bond. There being no one desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this bond for a first reading, and that:

\$3,760,000 chge. to: 1000-34291 Transfer from Capital Projects
6,080,000 chge. to: 1310-34110 Bond proceeds

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10,620,000 chge. to: 1321-34110 Bond proceeds
2,310,000 chge. to: 1324-34110 Bond proceeds
\$3,760,000 chge. to: 1000-31010 Amount from fund balance
2,320,000 chge. to: 1310-910141-48608 Public Safety Facility
3,760,000 chge. to: 1310-910141-49212 Transfer to General Fund
3,000,000 chge. to: 1321-910161-48623 Reservoir Covers
5,000,000 chge. to: 1321-910161-48628 WTP Expansion Project
2,620,000 chge. to: 1321-910161-48654 Eastern Source Development
2,310,000 chge. to: 1324-910142-48686 Rebuild Steam Plant

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

Economic Development Director Shull presented a request to temporarily close one block of Bruce Street next to Massanutten Regional Library for three (3) hours on June 20 and June 22. He explained that the Harrisonburg Children's Museum will be holding the first exhibit of its Summer Program at Massanutten Regional Library and in the lot behind the adjacent Hardesty-Higgins House. Over 800 children have registered for the Summer Program so far. For the safety of this group crossing Bruce Street, the Harrisonburg Children Museum requests permission to close off one block of Bruce Street from the Main Street/Bruce Street intersection from 9:00 a.m. 12:00 p.m. on Thursday, June 20 and also from 2:00 p.m. 5:00 p.m. on Saturday, June 22. Council Member Rogers offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Emily Hoole, executive director of the United Way, presented a request from the Harrisonburg and Rockingham County United Way. She explained that the Harrisonburg and Rockingham County United Way is seeking a designation from local governments to apply for an Early Learning Opportunities Act Discretionary Grant. The ELO grants will be available to local councils that have been designated by a local government entity, Indian tribe, regional corporation, or native Hawaiian entity. The Early Learning Opportunities Act Grant focuses on early childhood literacy, helping parents, caregivers, child care providers, educators, promote effective parenting, developing effective linkages, increase access, improve quality of care, and remove barriers to early learning. Vice-Mayor Peterson offered a motion to designate the United Way as Harrisonburg's local council. The motion was approved with a unanimous vote of Council.

City Manager Baker presented an application for fireworks display at Spotswood Country Club on July 4, 2002. He explained that Skyfire Fireworks display has completed the appropriate application and they have met all Fire Department requirements. Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Police Chief Harper introduced a request from the residents of the Woodland Community for permit parking and to consider the implementation of a tow away zone on Woodland Drive, Scarlet Oak Court, and White Oak Circle. He explained that residents of the Woodland community have submitted a petition requesting that the area be changed to permit parking and implement a tow away zone. The parking from students living at Sun Chase Apartment Complex has caused parking problems, loud noise from weekend parties, litter and trash problems, urinating in public, vandalism to property and some larcenies. He said the

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residents are requesting that their streets which currently has no parking restriction be changed to a blue zone with a 24 hour, seven day a week restriction of parking and establish a tow away zone. The Police Department supports the request. Council Member Fitzgerald offered a motion to approve this request from the Woodland Community residents. The motion was approved with a unanimous vote of Council.

Bill Voige, a resident of 657 White Oak Circle, thanked City Council and the Police Department for their support.

City Manager Baker presented a request to increase the Westover Swimming Pool Cash Fund from \$40.00 to \$200.00. He explained that the increase is necessary to alleviate shortage of change and small bills on the weekends. Vice-Mayor Peterson offered a motion to approve this request. The motion also included giving City Manager Baker authority to approve petty cash requests under \$1,000. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent - None

City Manager Baker presented a request to transfer funds. He explained that the Cantrell Avenue Bridge project didn't use all of the available funding and these funds are needed for Phase II of the Port Republic Road project. These funds will be used for street improvements, sidewalks, and bicycle lanes. Council Member Lantz offered a motion to approve this transfer, and that:

\$66,444.78 chge. to: 1310-910141-48612 Cantrell Avenue Bridge
\$66,444.78 approp. to: 1310-910141-48617 Port Republic Road Street Improvements

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent - None

City Manager Baker presented a request to transfer funds. He explained that some budgeted funds included in the Public Works Department for sidewalks, furniture, and fixtures are not needed; however, the funds are needed to complete the North Main Street Bridge project and make improvements to Cantrell Avenue. Council Member Lantz offered a motion to transfer these funds.

\$83,000.00 chge. to: 1000-410241-48106 Sidewalks
30,000.00 chge. to: 1000-410241-48121 Furniture & Fixtures
60,000.00 chge. to: 1000-410241-48293 Work in Progress
\$173,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects
\$173,000.00 chge. to: 1310-34210 Transfer from General Fund
\$86,500.00 approp. to: 1310-910141-48618 North Main Street Bridge at Johnson

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86,500.00 approp. to: 1310-910141-48638 Cantrell Avenue Road Improvements

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

City Manager Baker presented a request to transfer funds from the Public Safety Building to the Rescue Squad Building construction project. He said that the bids received to construct a new rescue building were higher than expected. Mr. Baker reviewed the primary changes in the bid, which had not been anticipated by the architect. Vice-Mayor Peterson offered a motion to transfer these funds.

\$300,000 chge. to: 1310-910141-48606 Public Safety Building
\$300,000 approp. to: 1310-910141-48694 Rescue Squad Building Construction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

City Manager Baker City Manager Baker presented a request to transfer funds for Harrison Plaza. He explained that when the budget was prepared these expenses were not anticipated because the City did not own the building. However, these expenses are necessary to pay many bills and provide insurance coverage. The City is collecting rent from tenants occupying the building. Council Member Fitzgerald offered a motion to transfer these funds.

\$47,503.00 chge. to: 1000-940111-49310
\$8,200.00 approp. to: 1000-430121-41010 Salaries & Wages Reg
1,100.00 approp. to: 1000-430121-41020 Salaries & Wages OT
3,400.00 approp. to: 1000-430121-41030 PT Salaries & Wages
976.00 approp. to: 1000-430121-42010 FICA
560.00 approp. to: 1000-430121-42020 Retirement-VRS
1,245.00 approp. to: 1000-430121-42050 Hospital Insurance
100.00 approp. to: 1000-430121-43020 Service Contracts
8,155.00 approp. to: 1000-430121-43360 Maint. & Rep.-Bldgs. & Grounds
20,000.00 approp. to: 1000-320121-45110 Electricity
895.00 approp. to: 1000-430121-45120 Heating
475.00 approp. to: 1000-430121-45131 Water
675.00 approp. to: 1000-430121-45132 Sewer
462.00 approp. to: 1000-430121-45230 Telecommunications
810.00 approp. to: 1000-430121-45320 Fire Insurance

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400.00 approp. to: 1000-430121-46070 Repair & Maint. Supplies

50.00 approp. to: 1000-320121-46140 Other Operating Supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent - None

City School Business and Finance Director Triplett presented a request to transfer school funds. He explained that at the conclusion of some school years, it is necessary to make funds available where they are needed. These funds will be used in technology because of a coding change in the Department of and will not cost the City any additional local dollars. Vice-Mayor Peterson offered a motion to transfer these funds.

\$963,603.53 chge. to: 1111-111114-40610 Instruction
30,000.00 chge. to: 1111-111114-40620 Administration, Attendance, & Health
263,770.99 chge. to: 1111-111114-40640 Operation & Maintenance
30,000.00 approp. to: 1111-111114-40650 Food Service
1,227,374.52 approp. to: 1111-111114-40680 Technology

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent - None

City Attorney Miller presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Vice-Mayor Peterson offered a motion to approve this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent - None

Public Utilities Director Collins presented a request to amend Section 7-4-9 of the Harrisonburg City Code. He explained that several years ago the City amended a no fault adjustment for utility bills of excessively high consumption. Prior to that the only way adjustments could be made to a water bill was there if certain circumstances were met. He said that he was proposing an amendment that would be more

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acceptable to the customer. Mr. Collins proposed keeping the qualification requirements the same, but billing customers at 50% of the difference between the water consumed and the peak of the previous 12 months. The change would alleviate customers penalty. City Attorney Miller suggested changing the wording in (c) *Adjustment limitations*: to (1) For circumstances other than an error **in procedure** or **an inaccurate meter**, the director **may** authorize an adjustment. Council Member Lantz offered a motion to approve this ordinance for a first reading and change the words that the director **may** authorize the adjustment, change the words to **in procedure** and **an inaccurate** meter. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

Public Utilities Director Collins presented a request to amend Section 7-4-22 of the Harrisonburg City Code. He explained that this proposal pertains to availability and connection fees and would only affect new customers to the City's water system. Flat fees do not cover the City's costs and he said the fees have not been modified since 1993 and is based on service size. Mr. Collins proposed that fees for new customers connecting a 1-inch pipe to the City's system should increase from \$700 to \$1,000 and customers connecting a 5/8-inch pipe would pay \$600. The changes would become effective in September. The purpose of the connection fees is to cover the direct cost to the Water Department to tap the main, run the service, and set the meter. Costs were compared for the past five years of expenses associated with pipe costs. Labor costs material costs, and the costs of equipment continues to go up each year. Following further discussion and comments, Council agreed to table the request until the next meeting and asked Mr. Collins to contact the Builders Association about the proposal of increasing the fees to cover the costs.

City Manager Baker presented a request to amend the City Procurement Manual. He said the proposed changes were recommended by Ron King (Procurement Review Specialist) from the Department of General Services, Division of Purchases and Supply from the State of Virginia. The proposals are slightly more conservative than what state agencies requirements are. Mr. Baker reviewed the proposed changes. Vice-Mayor Peterson offered a motion to approve this request as presented. The motion was approved with a unanimous vote of Council.

City Treasurer Neal presented a request to charge off 1996 personal property taxes and 1981 real estate taxes. City Treasurer Neal explained that her office has tried to collect these severely delinquent taxes. The 1981 real estate tax being written off is \$153.26. The 1996 personal property taxes amount is \$72,982.55. Council Member Fitzgerald offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

Bucky Berry, a resident of 877 North Main Street, complained about his deteriorating sidewalks and the weeds growing in the sidewalks.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 11, 2002

Brian Moore, a resident of 75 Wilson Avenue, thanked City Council for their continuous support and the additional funding for the rescue squad.

City Manager Baker announced that officially City Council can make motions rather than making motions by resolving.

City Manager Baker announced that Ray Goodwin with the Virginia Foster Care Program will be meeting with the Rockingham County Board of Supervisors on July 24th at 1:30 p.m., at the county office complex. City Council has been invited to attend this meeting.

Council Member Rogers offered a motion that Debra Stevens, 93 Middlebrook Street, be appointed to fill the unexpired term of Todd Alexander on the Harrisonburg Planning Commission to expire on December 31, 2003. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that Roger D. Baker, Henry C. Clark, A. Mike Collins, and John R. Gordon be appointed to a term on the Harrisonburg-Rockingham Regional Sewer Authority to expire on July 14, 2006. The motion also included that Elon W. Rhodes be appointed as an alternate on the Harrisonburg-Rockingham Sewer Authority. The motion was approved with a unanimous vote of Council.

At 8:46 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing a specific public officer or appointee of the Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The motion was approved with a unanimous vote of Council.

At 10:30 p.m., the closed session ended and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by City Council.

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

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

REGULAR MEETING

JUNE 25, 2002

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

Council Member Lantz delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for a \$42,010,000 bond and amending Section 7-4-9, amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Public Works Director Baker presented a brief overview of a proposed Solid Waste Management Plan. He explained that the Department of Environmental Quality requires that the City update the plan every five years. He reviewed the basic plan, which sets the parameter and goals for the future to protect the health, safety, and welfare of the citizens of Harrisonburg. He also reviewed the City's recycling process and the importance of resource recovery.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

At 7:42 p.m., Mayor Frank closed the regular session temporarily and the evening's public hearing to order. The following notice appeared in the Daily News-Record on Friday, June 14, 2002.

NOTICE OF PUBLIC HEARING

City Council Chambers

Tuesday, June 25, 2002

7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, June 25, 2002, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to receive public comments on the following:

A Solid Waste Management Plan prepared for and submitted to the Virginia Department of Environmental Quality. A copy of said plan is available for public review at the office of the City Manager, 345 South Main Street, Harrisonburg, VA. Information is also available at the Public Works office located at 320 East Mosby Road, Harrisonburg, VA Telephone 540-434-5928.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this proposed Solid Waste Management Plan. There being no one desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this Solid Waste Management Plan as presented. The motion was approved with a unanimous vote of Council.

Public Works Director Baker briefly reviewed the City Solid Waste Management Plan. He explained that three-fourths of the solid waste management plan is recommendations from the state which the City can consider as guidelines. Some of the recommendations include tax exemption, reduced tax incentives, and recycling programs. The adopted plan will be filed in the City Manager's office and with DEQ. Mr. Baker also said that several years ago the City closed its landfill and entered into a joint venture with Rockingham County to share a landfill. Rockingham County owns the land, manages the landfill, and takes care of the administrative work. It is more cost effective to work as a community in the landfill operation instead of operating two landfills within a mile of each other. Landfill operations are very expensive. Also, the City has

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continued to support and plans to upgrade the resource recovery plant. This program reduces the amount of trash going into the landfill and provides a revenue source by selling the steam as an energy source to James Madison University. The City does not make a profit in this venture. He also said that burying trash does not make it go away because one of the biggest problems with landfills is the potential of ground water contamination or methane gas being generated.

Harrisonburg Redevelopment and Housing Authority Director Michael Wong presented an overview of the renovation plans for the Simms Center. He noted that the Lucy F. Simms Center is located close to the downtown area, Blacks Run Greenway, and Convention Visitors Bureau. Perhaps the trolley system could be used to link it to the center, Hardesty-Higgins House, and create a historical tour of the City. He said, A proposed vision involves transforming the facility into a lifelong learning center that celebrates diversity in our past, present and future. Proposed features of the learning center include classroom space for adult education, programs, art gallery, museum space, a food court, meeting and banquet facilities, and recreational areas. Two major entrances are being proposed into the building and a service road will be needed into the back of the facility. The structure is a two-story school building. There is a partial basement in the building, which currently houses the Op Shop, Boiler Room, storage, and the Police Department Substation. The upper two levels were designed primarily for classrooms and are now used as a combination of classrooms and offices. There is a gymnasium on the first floor. Meetings were held with concerned residents of the Northeast Harrisonburg community, Harrisonburg Redevelopment and Housing Authority Commissioners, City Engineering and zoning staff, Parks and Recreation Department, and Office of Economic Development to review proposed plans. He reviewed the proposed changes for the facility and mentioned inquiring about proposed historical tax credits, accessing approximately \$800,000 for the renovations of the original Simms building, historical registry, rezoning, and possible Community Development Block Grant funding. The Boys and Girls Club has pledged to contribute approximately \$1.5 million to support renovation and new construction costs. He discussed establishing a limited partnership to manage the facility. Mr. Wong requested that Council approve this request allowing HRHA to start the application process.

Some discussion by Council Members relative to the subject included a detailed proforma, real estate taxes being paid if building transfers to a limited corporation, cost of banquet facility, whether the City should be operating a banquet facility, job training, application deadline, EDGE loan, commitment from Boys and Girls Club, operational cost of the building, debt service, blighted area, and the City's budget including \$200,000 per year toward the project.

Cheryl Talley, a member of the Harrisonburg Redevelopment and Housing Authority, said the cost of the project had been discussed at board meetings. It had also been discussed how much of the project is an investment in the City and whether it could be a revenue producing project. It's a \$7 million project in one part of the City that hasn't had that kind of investment.

Ken Handrich, a resident of 610 Broad Street, said that the City built the school, however, the school system has had control of the building since 1937 until 2001. A good building has deteriorated and will need major renovations in every infrastructure of the building. There has been no money spent on the building for 40 years. Renovations to the building are needed.

Bucky Berry, a resident of 877 North Main Street, that he was concerned if a banquet room was built in the facility, alcohol would be abused.

Lois Ann Handrich, a resident of 610 Broad Street, said that the Northeast community needed a banquet facility and it should not be removed from the project. The banquet room could also be used as multi-use facility.

Vice-Mayor Peterson offered a motion that Michael Wong, Director of the Harrisonburg Redevelopment and Housing Authority, be authorized to proceed up to \$150,000 with the architectural services for the Lucy F. Simms Center project. The motion was approved with a unanimous vote of Council.

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

RESOLUTION OF SUPPORT

WHEREAS, The Central Shenandoah Valley Region is subject to natural disasters, particularly flooding; and

WHEREAS, There have been 13 federally declared disasters in our Region in the past three decades, eight due to flooding; and

WHEREAS, Flooding and other natural disasters have caused major damage to homes, businesses, infrastructure and agriculture resulting in loss of life and millions of dollars in economic losses; and

WHEREAS, The Central Shenandoah Valley Region has developed a Regional Flood Mitigation Plan to address the natural disasters that put our Region at risk; and

WHEREAS, The Central Shenandoah Valley Regional Flood Mitigation Plan identifies and describes natural hazards that impact our Region and recommends mitigation options to eliminate or

reduce the effects of these disasters; and

WHEREAS, Each of the localities of the Central Shenandoah Valley Region has worked cooperatively and participated in the development of the Plan and its recommendations; and

WHEREAS, This plan calls for the continuation of local and regional efforts and allows localities to apply for future state and federal disaster funds;

THEREFORE BE IT RESOLVED THAT, the City of Harrisonburg does hereby adopt the Central Shenandoah Valley Regional Flood Mitigation Plan.

Adopted by the Harrisonburg City Council at its June 25th meeting.

Date	Mayor

Attest:

Clerk of the City Council

City Manager Baker explained that this plan was developed by the Central Shenandoah Planning District Commission, with input from local governments and businesses. The plan allows local governments to apply for disaster funds. The plan has to be in place before November 1, 2002 in order to be eligible to receive funds from the Federal Emergency Management Agency. Vice-Mayor Peterson suggested that the City should participate in regional studies that would guide localities in developing the most cost-effective storm water management system. He also suggested that the City should consider enrolling in the Community Rating System to hopefully reduce the rates the citizens of the City would have to pay to acquire flood insurance. Council Member Fitzgerald offered a motion to adopt this resolution as presented. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request that Harrisonburg sign a Memorandum of Agreement with Shenandoah Valley Project Impact. He explained that the purpose of this

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agreement is to form a group that identifies flood hazards and encourages partnership between government, business, industry, the press, and citizens to take action to lessen the impact of flooding or eliminate problems completely. It is a non-binding agreement with no City dollars involved. Vice-Mayor Peterson offered a motion to approve this request authorizing the City Manager to sign this agreement. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Public Works Director Baker presented a request to transfer funds for the Waste Characterization Study. This request will transfer operational funds into the Resource Recovery Plant Rebuild Program to support the engineering and contract administration of the project. Vice-Mayor Peterson offered a motion to transfer these funds:

\$25,000 chge. to: 2014-912242-43330 Maint. & Repairs Mach. & Equip.

21,467 chge. to: 2014-912242-45110 Electricity

30,000 chge. to: 2014-912242-45119 Natural Gas

10,000 chge. to: 2014-912242-45130 Water & Sewer

25,000 chge. to: 2014-932042-43140 Engineering, Arch. & Mapping

25,000 chge. to: 2014-932042-43360 Maint. & Repairs Building & Grounds

10,000 chge. to: 2014-952042-43320 Service Contracts

\$146,467 approp. to: 2014-992042-49216 Transfer to San. Capital Projects

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\$146,467 chge. to: 1324-34270 Transfer from Sanitation Fund

\$146,467 approp. to: 1324-910142-48682 Retro-Fit Steam Plant

The motion was approved with a unanimous vote of Council.

Parks and Recreation Director Foerster presented a request to reserve anticipated unexpended funds in the Parks and Recreation 2001-02 budget. He said there are unspent Capital Outlay funds in the Parks and Recreation Departments budget. He proposed using these funds for a skateboard project and making improvements to the Ramblewood Athletic Complex. It is estimated that the new skateboard project will draw between 75 and 200 users a day. He said, Westover's parking lot needs to be expanded by 20 feet in each direction to accommodate the expected increase in visitors. The parking lot actually is not big enough now. The skateboard park will be roughly the size of two tennis courts. Vice-Mayor Peterson questioned whether the lights were actually needed at this time because \$40,000 is a lot of money for lights. He said perhaps the lights should be added at a later time. Mr. Foerster commented that the lack of lighting will be an effective method of controlling the use of the skateboard park. Following further discussion and comments, Council Member Lantz offered a motion to approve \$200,000 in unexpended funds in the Parks and Recreation Department 2001-02 budget. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request to amend a sewer contract. He explained that at the time of annexation, the City entered into a contract to provide sewer service to the Kaylor property with Rockingham County and the Sewer Authority. The contract referenced the drainage area and included a map showing the area to be served. The original map used to show the drainage area is a large-scale topo map making it difficult to accurately show the true drainage area. A drainage study was recently completed that shows the drainage area to be larger than originally thought and the owners are requesting that the contract be amended to allow the City to serve the area in question. Mr. Baker said that he had spoken with Rockingham County Administrator O'Brien who requested that a new topo map be drawn to show the actual drainage area. He also said that Rockingham County has requested that the City amend the contract by substituting a new map for the original map.

J.R. Copper, representing the Kaylor family, said that the current topo map shows approximately 57 acres of additional land in the drainage area. He requested that the agreement be amended to include the entire drainage area of the contract. Sewer services are available at the Northeastern end of Kaylor Drive and Baxter. If the rezoning was approved it would have to be done according to County/City specifications through the health department.

Some discussion by Council Members relative to the request included observations that the main sewer system appeared farther North, whether Rockingham County could provide sewer services to the area, whether the area is out of the City's boundaries, which locality would be billed for the capacity that the

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

additional 57 acres would consume, and receiving a statement from Rockingham County regarding how a proposed new topo map impacts the county.

City Attorney Miller clarified that the contract defines the drainage area for purposes of the contract. Then subsequent engineering studies indicated that the drainage area in engineering terminology is bigger. The drafters of the contract defined it legally for the purpose of this contract as what was being marked on the map. The 1999 interpretation defines the area as being smaller. The biggest question is how will this area impact the City's infrastructure. He suggested requesting a report from Mr. Collins before Council makes a decision.

Council Member Fitzgerald offered a motion to table this request until Public Utilities Director Collins can review the request and report back to Council. The motion was approved with a unanimous vote of Council.

City Manager Baker explained that a request to amend Section 7-4-22 of the Harrisonburg City Code had been tabled at the June 11th Council meeting until Public Utilities Director Collins had contacted the Builders Association. Mr. Collins is still in the process of contacting and discussing the amendment with builders. Vice-Mayor Peterson offered a motion to approve this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Bucky Berry, a resident of 877 North Main Street, complimented Mayor Carolyn Frank on the good job she had done representing the City as Mayor.

City Manager Baker announced that Ray Goodwin with the Virginia Foster Care Program had postponed a meeting with the Rockingham County Board of Supervisors on July 24th until September 11, 2002.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

Vice-Mayor Peterson offered a motion that Alan Miller, 1160 Nelson Drive, be appointed to a term on the Social Services Advisory Board to expire on July 1, 2006. The motion was approved with a unanimous vote of Council.

At 9:45 p.m., there being no further business and on motion adopted the meeting was adjourned.

MINUTES - REORGANIZATION MEETING OF CITY COUNCIL - JULY 1, 2002

REORGANIZATION MEETING

MONDAY, JULY 1, 2002

At a reorganization meeting held in the Council Chamber today at 10:00 a.m., there were present City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Council Members Carolyn W. Frank, Joseph Gus Fitzgerald, Hugh J. Lantz, Dorn W. Peterson, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC/MMCA and Chief of Police Donald Harper.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, required by Section 42 of the City Charter, to be held in the Council Chamber on Monday, July 1, 2002 at 10:00 a.m., to consider the following matters and take necessary action thereon:

1. 1. Call to order.
2. 2. Oak prescribed by Law, Section 42 of the City Charter.
3. 3. Re-organization of City Council:
 - a. a. Election of MAYOR, 2 year term (Section 7 of City Charter).
 - b. b. Election of VICE-MAYOR, 2 year term (Section 7 City Charter).
 - c. c. Appoint CITY ATTORNEY, 2 year term (City Code Section 3-2-1).
 - d. d. Appoint one member of Council to Planning Commission, (City Code Section 10-1-2(c)).
 - e. e. Appoint one member of Council to Parks and Recreation Commission (City Code Section 9-1-1).
 - f. f. Liaison to Social Services Advisory Board, City/Council Liaison Committee, Central Shenandoah Planning District Commission, Chamber of Commerce, Greener Harrisonburg, Deep Population

MINUTES - REORGANIZATION MEETING OF CITY COUNCIL - JULY 1, 2002

Task Force, and School Board Liaison.

City Clerk Ryan reported that she was in receipt of Oaths of Office, duly taken by Hugh J. Lantz and Larry M. Rogers.

Under Item #3 of today's agenda. Re-organization of City Council, Section a through f, the following actions were taken :

Council Member Rogers offered a motion that Mr. Joseph Gus Fitzgerald be appointed as Mayor of the City of Harrisonburg.

Council Member Peterson offered a motion the Mrs. Carolyn W. Frank be appointed as Mayor of the City Harrisonburg.

City Manager Baker polled the Council Members for Mayor of the City of Harrisonburg.

Council Member Frank voted for Carolyn W. Frank.

Council Member Fitzgerald voted Joseph Gus Fitzgerald.

Council Member Lantz voted for Joseph Gus Fitzgerald.

Council Member Peterson voted for Carolyn W. Frank.

Council Member Rogers voted for Joseph Gus Fitzgerald.

City Manager Baker announced that by a three to two vote Joseph Gus Fitzgerald was the new Mayor of the City of Harrisonburg.

Mayor Fitzgerald commented that all five Council Members are or have been associated with a political faction that has won overwhelming in at least one of the last two elections. It has also been overwhelming defeated in one of the last two elections. If that makes the elective seem confused that may be our fault for drawing the lines too harshly and leaving previous little middle ground. He said, I think we need to spend a lot of time within the next two years looking for that middle ground, but the other thing I will remind you about the last two elections are that the top five vote getters ever in a Harrisonburg City Council elections are

MINUTES - REORGANIZATION MEETING OF CITY COUNCIL - JULY 1, 2002

sitting around this table. Another thing that I will remind you is that two years ago today the average age on the Harrisonburg City Council dropped by 13 years. Whatever else the voters were telling us in the last two elections, I think they were telling us that they respect the wisdom and judgment of those who came before us.

Council Member Peterson offered a motion to Larry M. Rogers be appointed as Vice-Mayor of the City of Harrisonburg. The recorded roll call vote was taken as follows:

Vote: Yes Council Member Frank
Council Member Lantz
Council Member Peterson
Council Member Rogers
Mayor Fitzgerald

Absent None

Council Member Peterson offered a motion that Mr. Thomas H. Miller, Jr., be re-appointed as the City Attorney. The recorded roll call vote was taken as follows:

Vote: Yes Council Member Frank
Council Member Lantz
Council Member Peterson
Vice-Mayor Rogers
Mayor Fitzgerald

Absent None

Council Member Peterson offered a motion that the following Council Members be appointed to these commissions or committees:

MINUTES - REORGANIZATION MEETING OF CITY COUNCIL - JULY 1, 2002

Dorn W. Peterson to the Harrisonburg Planning Commission

Hugh J. Lantz to the Park & Recreation Commission

Joseph Gus Fitzgerald to the Social Services Advisory Board

Hugh J. Lantz and Larry M. Rogers to the City/County Liaison Committee

Carolyn W. Frank to the Central Shenandoah Planning District

Joseph Gus Fitzgerald to the Chamber of Commerce

Hugh J. Lantz to the Deer Task Population Force

Joseph Gus Fitzgerald to the School Board Liaison Committee

The recorded roll call vote was taken as follows:

Vote: Yes Council Member Frank

 Council Member Lantz

 Council Member Peterson

 Vice-Mayor Rogers

 Mayor Fitzgerald

Absent - None

Mayor Fitzgerald suggested that a retreat should be held to in the near future to establish goals.

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

MINUTES - REORGANIZATION MEETING OF CITY COUNCIL - JULY 1, 2002

CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 9, 2002

REGULAR MEETING

JULY 9, 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, Hugh J. Lantz; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member Dorn W. Peterson.

Vice-Mayor Rogers delivered the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes of the June 25 and July 1 City Council meetings, and a second reading amending and re-enacting Section 7-4-22 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent Council Member Peterson

Mayor Fitzgerald said, Carolyn, I want to thank and salute you for your two years of service as Mayor. It hasn't always been smooth because I haven't always agreed with you, but what missteps you took I hope were educational for both of us. At the same time you did an excellent job in some regards most notably in, well Rudyard Kipling writes of those who can walk with kings without losing the common touch. Certainly you have made the government of Harrisonburg more accessible to its citizens than it has been at sometimes in the past. You certainly connected better with the citizenry and I certainly hope that I live up to your standards in that regard.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 9, 2002

Council Member Frank said, I appreciate those kind words. It was an honor to serve. I enjoyed it and I probably won't always agree with you either.

Mayor Fitzgerald presented Council Member Frank with a walnut gavel and block.

Planning and Community Development Director Turner introduced a request by Rodney and Penny Conley, to change the proffers for tax map parcel 18-AA-39. She explained that the property is zoned B-2C, General Business District (conditional). The purpose of the request is to amend previously proffered conditions to allow personal service establishments. The parcel is located at 860 South High Street. The Comprehensive Plan's Land Use Guide designates this property as neighborhood residential. This classification is intended for 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 larger housing units on small lots. She reviewed the surrounding uses in the area. She said that the property located at 860 South High Street has been the subject of City planning staff's attention several times over the past twenty years. In 1980 the owner of the property received final plat approval for Homeplace Townhomes, the development to the rear of the subject house. At the Planning Commission meeting the owner stated that the subject structure was slated for demolition after the construction of the townhomes. The City, however, did not force the demolition and the building was never removed. The house was sold in 1992 to Mr. Dooley. The next year Mr. Dooley attempted to obtain building permits for the structure, but was denied the permits because a small section of the structure located along Logan Lane encroached into the street right-of-way. City Council granted permission for the structure to remain in the right-of-way with no modifications necessary to bring the building into conformance. The following year Mr. Dooley applied for a change in zoning from R-2, Residential District to B-2C, General Business District Conditional. His intent was to use the second floor as a residence, which is currently being done, and utilize the first floor for a photography studio, which is currently being done. He proffered that the only B-2 use he would use was professional offices. Contract purchasers Rodney and Penny Conley have requested to adjust the proffers attached to the conditional zoning of the property located at 860 South High Street. The Conleys have asked to adjust the proffers to allow for their hair salon facility to occupy the first floor of the structure. They also intend on continuing the use of the residence on the second floor. For the salon to be an allowed use, the current proffered conditions must be modified to include personal service establishments under 10-3-90(1) of permitted uses in the B-2 zoning classification. Personal services include uses such as health clubs, beauty shops, barbershops, and laundry cleaning. If approved, this new conditional B-2 zoning would only allow for professional offices and personal service establishments at this location. If the parcel is rezoned there is ample parking spaces on the property. The location of this structure on the highly traveled South High Street thoroughfare makes this a prime location for this type of business. The B-2 use of this facility will continue to provide a buffer between the more intense uses associated with M-1 property to the south and the residential uses on the north and east. She said that Planning Commission recommended unanimous approval of the rezoning request.

At 7:39 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 24, and Monday, July 1, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold public hearings on Tuesday, July 9, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING, PROFFER CHANGE DOOLEY/CONLEY PROPERTY

-

Public hearing to consider a request by Rodney and Penny Conley, to change the proffers for tax map parcel 18-AA-39. The property is zoned B-2C, General Business District (conditional), the purpose of the request is to amend the previously proffered conditions to allow personal service establishments. The parcel is located at 860 South High Street.

The Comprehensive Plan designates this area as Neighborhood Residential. This 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 Zoning Ordinance states that the B-2, General Business District is intended to provide 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.

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

Penny Conley, a resident living at 637 Stonewall Drive, said she currently owns and operates a salon facility on South Gate Court. Over the past three years the business has grown and she now needs a new facility to meet the demands of her business. This location has the space and the visibility she would like for her salon. The Conley s would like to clean up the property and make it more attractive than its current condition. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 9, 2002

Vice-Mayor Rogers offered a motion to approve this request as presented for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent Council Member Peterson

Planning and Community Development Director Turner introduced a request to amend Section 10-3-110 of the Zoning Ordinance. She explained that the proposed amendment was brought about by a series of events that started with a complaint to the Zoning Administrator, which when followed up with the property owner, lead to an appeal before the Board of Zoning Appeals (BZA). The amendment will fill a void that has been left in the ordinance and was suggested by the BZA. A complaint was received on a property in the Brayton Subdivision for a house that encroached into the ten-foot sideyard setback. Section 10-3-110 allows functional or ornamental devices up to two feet, eight inches. The Zoning Administrator interpreted this to permit bay windows, roof overhands, or siding as architectural treatments or functional elements which would be allowed to encroach the two feet, eight inches. The house had been constructed with a bay window (as labeled on the building plans) that did not have a window seat or shelving, but was being used as livable floor space out into the required ten-foot setback. The Zoning Ordinance as interpreted did not consider this to be a bay window, but cantilevered floor area (living space) and as such could not encroach into the required setback. The property owner was notified of the violation and appealed the decision to the BZA for consideration. Over the next several months the BZA considered the definition, obtaining information from the property owner and further definitions from staff. After much consideration the Board decided not to affirm the Zoning Administrator's decision and asked that the language for Section 10-3-110 be clarified to restrict the use of floor space within the setback. She said that Planning Commission recommended unanimous approval of amending the ordinance.

At 7:43 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 24, and Monday, July 1, 2002.

Notice Of Public Hearing

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 9, 2002

The Harrisonburg City Council will hold public hearings on Tuesday, July 9, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

ORDINANCE AMENDMENT

-

Public hearing to consider amending the Zoning Ordinance, Article T. Modifications and Adjustments, Section 10-3-110. General Modifications:

(a) Architectural treatments and functional elements, including, but not limited to; chimneys, moldings, rain gutters, downspouts, roof eaves, buttresses and bay windows, shall be allowed to project not more than two feet, eight inches (2 8) into the required yard setback, provided they do not include additional floor space.

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 Fitzgerald called on anyone desiring to speak for or against amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve amending Section 10-3-110 of the Zoning Ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent Council Member Peterson

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

**RESOLUTION OF
THE CITY OF HARRISONBURG, VA
AUTHORIZING MEMBERSHIP IN THE
VIRGINIA TRANSIT LIABILITY POOL**

WHEREAS, The City of Harrisonburg on behalf of Harrisonburg Transit (the Applicant) wishes to join with other political subdivisions as a member of the Virginia Transit Liability Pool (Pool), whereby members jointly and cooperatively self-insure and pool the separate risks and liabilities of the individual members pursuant to the terms of Chapter 27 of Title 15.2 of the Code of Virginia (the Act), and whereby the jointly pooled funds provide the necessary financing for comprehensive general liability, automobile liability and automobile physical damage; and

WHEREAS, the Pool is licensed by the Bureau of Insurance of the State Corporation Commission, pursuant to the Act and Regulations adopted thereunder; and

WHEREAS, the Applicant has been provided with the following documents which provide the rights and responsibilities of the members of the Pool and the amount and terms of the coverage to be provided;

- 1. 1. Member Agreement;**
- 2. 2. Sample declaration pages and coverage forms;**
- 3. 3. Virginia Transit Liability Pool Constitution and By-Laws; and**
- 4. 4. Virginia Transit Liability Pool Financial Statements;**

NOW, THEREFORE, BE IT RESOVLED, by the City Council of the City of Harrisonburg is a meeting assembled on the 9th day of July, 2002;

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 9, 2002

1. 1. Applicant certifies its intention to become a member of such Pool for three years

beginning July 1, 2002;

2. 2. Such membership is contingent upon:

a. a. Final approval of the membership of Applicant by the Members

Supervisory Board of the Pool;

b. b. Payment of \$13,430 + \$158,136 for the 13 month period (July 1, 2002 July 31, 2003) contribution to the Pool pursuant to the quotation submitted

to Applicant or such final amount as mutually agreed upon by the member and the Pool or their respective designees. Quarterly payments are optional.

3. 3. Applicant understand and agrees that pursuant to the terms of the Member

Agreement, members of the Pool may be required to pay additional assessments to the Pool and that in the event the Pool is in a deficit position which is not corrected, a member will be liable for any and all unpaid claims against such member.

4. 4. The Transportation Director is authorized to do all things necessary to enable

Harrisonburg Transit to become and remain a member of the Pool including, but not limited to, execution of the Member Agreement and any amendments to the Member Agreement which comply with the Act and Regulations adopted thereunder and which have been duly adopted by the Members Supervisory Board of the Pool.

IN WHITNESS WHEREOF, the City Council of the City of Harrisonburg has caused this resolution to be executed in its behalf by Mayor Joseph Gus Fitzgerald and attested by City Clerk Yvonne Ryan.

By: _____

Joseph Gus Fitzgerald

Mayor of the City of Harrisonburg

Attest:

Clerk of the City Council

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 9, 2002

City Manager Baker explained that when the Virginia Transit Liability Pool was jointly formed by other government transit systems in Virginia, Harrisonburg did not join. Mr. Baker said that joining this transit liability pool would provide insurance coverage for the Transit System. He also said that it will be necessary for the City to designate voting representation on the Board of Directors of Virginia Transit Association. He recommended designating Transportation Director Reggie Smith and Transit Supervisor Vickie Conley as voting members of the board and Purchasing Agent Pat Hilliard and Administrative Assistant Vicki Sullivan as alternates. Council Member Frank offered a motion to approve this resolution as presented. The motion was approved with a unanimous vote of Council Members present.

The agenda item request to amend the taxi ordinance was withdrawn.

City Attorney Miller presented for Council's consideration amending and re-enacting Section 13-1-60.1(b) of the Harrisonburg City Code. He explained that City Council had approved adding Woodland Drive, Scarlet Oak Court and White Oak Court to the blue permit-parking zone at the June 11, 2002 meeting. Council Member Frank offered a motion to approve amending this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent Council Member Peterson

Lynn Rexrode, a resident of 583 Hawkins Street, complained about not receiving any help from the City when a skunk got into his house through the basement one recent Saturday night. He said he called the City Fire Department, City Police Department, Animal Control Officer, and the Verona Game Reserve and no one would help him with the situation. He said, "What would happen if the skunk had rabies and endangered my family?" He also complained about fireworks rules and regulations not being displayed at each site selling fireworks.

Bucky Berry, a resident of 877 North Main Street, complimented Carolyn Frank on the good job she had done representing the City as Mayor. He also complained about City vehicles being used as a personal vehicle.

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City Manager Baker announced that the contract for the Rescue Squad Building had been signed and the project should begin soon.

Mayor Fitzgerald thanked everyone who participated in the July 4th celebration at the fair ground. He suggested that perhaps a parade could be added to the celebration for next year.

Mayor Fitzgerald suggested that discussion of a retreat should be on the July 23rd agenda when all Council Members are present.

Vice-Mayor Rogers suggested that perhaps the Charter Committee should be abolished.

Vice-Mayor Rogers offered a motion that Wayne E. Heatwole, 530 Collicello Street, be appointed to a term on the Community Services (Chapter 10) Board to expire on July 1, 2005. The motion was approved with a unanimous vote of Council Members present.

At 7:58 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

REGULAR MEETING

JULY 23, 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 Chief of Police Donald Harper.

Council Member Frank 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 amending and re-enacting Section 13-1-60.01 (b) and making revisions to Section 10-3-110 of the City Code. The motion also included the second reading approving zoning proffers for a tax map parcel. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent - None

Planning and Community Development Director Turner introduced a request by the Driver Corporation to rezone 3.121 acres from M-1, General Industrial District to B-2C, General Business District (conditional). The property is located at 1594 South Main Street. She reviewed the surrounding uses in the area. The proposed use for the building is a family recreation center to feature activities such as paintball arena, miniature golf, rock climbing wall, arcade games, pizza and refreshment stands and party rooms. The outside of the facility might be utilized as a go-cart track. The Comprehensive Plan's Land Use Guide

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

designates this property as commercial. This classification is intended for retail, wholesale, or service functions. Mrs. Turner said that because this property is adjacent to the City park staff had some concerns with its compatibility with the park use. The applicant has proffered that a natural state vegetative buffer will be maintained in the 30-foot setback area adjoining Purcell Park. Additional planting will be provided in the area as mutually agreed by Driver Corporation and the City's Director of Parks and Recreation. Also, another proffer is that appropriate exterior lighting will be provided in any exterior area used for recreational purposes, in accordance with City Code requirements. She said that Planning Commission recommended approval of the rezoning request.

Council Member Peterson asked Mrs. Turner to read the amended proffers again and questioned whether the mutual agreement statement added anything to the proffer. He said the rewording of the proffer was very vague.

At 7:40 p.m., Mayor Fitzgerald 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 Friday, July 12, Monday, July 15, and Thursday, July 18, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold a public hearing on Tuesday, July 23, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING Driver CORPORATION

-

Public hearing to consider a request by the Driver Corporation to rezone tax map parcel 10-C-9 (3.121 acres) from M-1, General Industrial District to B-2, General Business District. The property is located at 1594 South Main Street.

The Comprehensive Plan designates this area as Commercial. This 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 Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the B-2 or M-1 Districts.

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

Bucky Berry, a resident of 877 North Main Street, said that the proposed new facility would be an asset to the community.

David Driver, a resident of 1150 Hillcrest Drive, and owner of the property said he had amended the wording in the proffer after being questioned by the Planning Commissioners. He said they wanted to know what type of trees would be planted. Mr. Driver said that he was willing to provide a natural state vegetative buffer, but not planting expensive trees. There being no others desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened.

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Some discussion by Council Members relative to the request included that the amended proffer was not legally enforceable, natural state vegetative buffer was too vague, and City Council should be presented with a better worded proffer.

Council Member Lantz offered a motion to approve this rezoning request for a first reading provided that before the second reading is held August 13th, the proffer contained more defined language regarding the landscaping. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent - None

City Manager Baker presented a request for a supplemental appropriation of funds encumbered at June 30, 2002. He explained that these funds are for purchase orders out of last year's budget for a variety of good and/or services.

At 7:46 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday July 16, 2002.

Notice Of Public Hearing

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

The Harrisonburg City Council will hold a public hearing on Tuesday, July 23, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2002-2003 budget in the amount of \$1,335,880.77. This amount represents outstanding encumbrance at June 30, 2002. The budget increases will be noted below:

Revenues:

General Fund:

Amount from fund balance \$974,677.57

Water Fund:

Amount from fund balance 65,320.20

Sewer Fund:

Amount from fund balance 18,757.00

Public Transportation Fund:

Amount from fund balance 194,640.00

Sanitation Fund:

Amount from fund balance 82,486.00

-

Total revenues \$1,335,880.77

-

Expenditures:

General Fund \$974,677.57

Water Fund 65,320.20

Sewer Fund 18,757.00

Public Transportation Fund 194,640.00

Sanitation Fund 82,486.00

-

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

Total expenditures **\$1,335,880.77**

All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against these encumbrances. There being no one desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$974,677.57 chge. to: 1000-31010 Amount from fund balance

65,320.20 chge. to: 2011-31010 Amount from fund balance

18,757.00 chge. to: 2012-31010 Amount from fund balance

194,640.00 chge. to: 2013-31010 Amount from fund balance

82,486.00 chge. to: 2014-31010 Amount from fund balance

\$ 2,326.00 approp. to: 1000-120912-48111 Machinery and equipment

3,603.66 approp. to: 1000-120912-48121 Furniture and fixtures

3,500.00 approp. to: 1000-121012-48171 EDP equipment

5,688.00 approp. to: 1000-121313-48271 EDP equipment

7,286.33 approp. to: 1000-122011-48173 Software

1,822.50 approp. to: 1000-310431-48111 Machinery and equipment

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

2,038.80 approp. to: 1000-310431-48172 Hardware
13,206.80 approp. to: 1000-310431-48173 Software
475,000.00 approp. to: 1000-310432-48272 Hardware
5,415.00 approp. to: 1000-320232-46110 Uniforms
23,394.75 approp. to: 1000-320232-48151 Motor equipment and equipment
2,400.00 approp. to: 1000-340121-45530 Training and travel
2,250.00 approp. to: 1000-340121-48271 EDP equipment
7,300.00 approp. to: 1000-340121-48273 Software
20,124.00 approp. to: 1000-410121-48291 Engineering/mapping
2,190.00 approp. to: 1000-430221-48181 Building and grounds
7,250.00 approp. to: 1000-410241-45230 Telecommunications
31,000.00 approp. to: 1000-410241-48293 Work in progress # 2
80,438.64 approp. to: 1000-410241-48294 Work in progress annexed area #1
79,133.98 approp. to: 1000-410241-48297 Work in progress West Market St.
1,010.38 approp. to: 1000-710171-46132 Ed/rec Supplies Athletics
9,000.00 approp. to: 1000-710171-48181 Building and grounds
60,730.00 approp. to: 1000-710171-48184 Improvements
59,500.00 approp. to: 1000-710171-48284 Improvements
56,000.00 approp. to: 1000-710471-48184 Improvements
1,636.00 approp. to: 1000-710871-48184 Improvements
2,125.00 approp. to: 1000-810521-43100 Professional services
3,135.00 approp. to: 1000-810521-43600 Advertisement
1,799.00 approp. to: 1000-810521-48171 EDP equipment
5,646.00 approp. to: 2011-312061-43610 Consumer confidence report
4,016.00 approp. to: 2011-322061-46180 Chemicals
24,700.00 approp. to: 2011-332061-43382 H2O loss mgt. Meter test

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7,300.00 approp. to: 2011-332061-46072 Maint. & repair supplies meter repl
16,658.20 approp. to: 2011-362061-46180 Chemicals
1,000.00 approp. to: 2011-372061-48188 Tanks and pumps
6,000.00 approp. to: 2011-372061-48216 SCADA
5,000.00 approp. to: 2012-472061-48111 Machinery and equipment
6,507.00 approp. to: 2012-472061-48116 SCADA
7,250.00 approp. to: 2012-472061-48131 Radio equipment
79,068.00 approp. to: 2013-812081-45350 Motor vehicle insurance
109,093.00 approp. to: 2013-872081-48253 Transit buses
6,479.00 approp. to: 2013-872081-48254 School buses
82,486.00 approp. to: 2014-972043-48111 Machinery and equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Frank
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent - None

Planning and Community Development Director Turner introduced a request by Bill Neff to subdivide 20.939 acres located at 3170 and 3180 South Main Street into two lots and a roadway. This request is for a variance to the Subdivision Section 10-2-41(a) requiring streets and alleys to conform to the design and standards and specifications of the Design and Construction Standards Manual, specifically the radius of street intersections. The property is currently zoned B-2. Mrs. Turner reviewed the surrounding property uses in the area. The two parcels under consideration for the preliminary platting have gone through some minor boundary changes over the past several years. Land has been added to the current Pano's Restaurant lot and

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

Massanutten Bank and Trust lot along South Main Street from these lots. In addition, the boundary between the Red Carpet Inn and the larger lot has been adjusted to better accommodate the hotel. Many of these lot line changes have gone through a minor subdivision or were not required to go through the City's subdivision process because the lots were over the five-acre limit for subdivisions. The Design and Construction Standards Manual (DSCM), Section 3.3.4.1 requires that intersection curb radius shall be 25 feet minimum for local streets and 35 minimum for all other classifications. The developer is requesting a variance to reduce the 35 feet required to 30. She said that staff does not have objections to the variance requested and although several minor subdivisions created the actual property lines as they are today, these were done without the knowledge that a future road would definitely be constructed. The minor subdivisions added additional square footage to the Pano's Restaurant and bank properties. She said that staff, Director of Public Works and the City Engineer reviewed the preliminary plat and determined that it would not create a problem for the City to reduce this radius. She said that Planning Commission recommended approval of the request. Council Member Peterson offered a motion to approve this request preliminary plat as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent - None

Planning and Community Development Director Turner introduced a request by Kenneth Patterson (contract purchaser) to subdivide a preliminary plat into 12 townhouse lots zoned R-3, Multiple Dwelling Residential District with a variance to the Subdivision Ordinance that requires all lots to front on a public street. The property is located at 2419 Stonewall Drive. The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. She reviewed the surrounding uses in the area. The requested variance is in Section 10-2-42(d) of the Subdivision Ordinance, which states that all lots, shall front on a public street. These townhouses instead of fronting directly onto a public street would front onto to the parking lot. She said that Planning Commission recommended unanimous 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 Lantz

Council Member Frank

Vice-Mayor Rogers

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

Council Member Peterson

Mayor Fitzgerald

Absent - None

Christine Michaels, Chamber of Commerce executive director, introduced herself to City Council and made a few brief remarks. She said that she has been at the chamber two weeks and is excited to be in the community. She said that she looked forward to working with the City and its various departments.

Todd Hedinger, President of the Friends of the Blacks Run Greenway, presented an overview of the organization. Friends of the Blacks Run Greenway is a nonprofit group planning a series of parks, paths and other recreational amenities along the banks of Blacks Run. Mr. Hedinger said that last year the group worked toward helping the citizens in Harrisonburg shift their perception of Blacks Run. As a greenway organization our belief is that it is not an after thought, it is not a liability, nor is it an eyesore or sewer ditch. Blacks Run flows through the heart of Harrisonburg. The Greenway would be a link connecting neighborhoods in the north and south with downtown housing and businesses and City parks. The task of changing people's perceptions began years ago with citizens conducting annual clean-ups and developing different park areas. During the past year, the Friends of Black Run Greenway have held two public meetings, dozens of presentations before civic groups and in classrooms, and has had interviews on television, radios and in the newspaper. Signs of success have been through the list of supporters, working hundreds of hours and volunteer time, hundreds of surveys turned in, hundreds of dollars donated by private citizens, and donations by the City and many area companies. Directions for next year will focus on master planning and designing space. The current projects focus on relatively small areas of the City. He said, These are things that we can start and finish to show the public that this can be done.

Lucy Ivanoff, representing the law firm of Wharton, Aldhizer and Weaver, announced that philanthropist Zane Showker will donate \$1 million to clean up and maintain Blacks Run. The \$1 million will act as a kind of endowment, with the City using interest from the gift to pay salaries and other expenses related to the ongoing maintenance of the stream.

Stephanne Byrd, executive director of the Harrisonburg-Rockingham Community Foundation Board of Directors, expressed her appreciation to Mr. Showker for his establishment of a permanent endowment within the community foundation for the purpose of keeping the greenway clean. Not only is Mr. Showker's gift an outward sign of his commitment to ongoing beautification efforts of many folks here in this community, it is also an investment in the mission of the community foundation. Ms. Byrd said, Philanthropist such as Mr. Showker provide an example to each of us, demonstrating what it means to leave a legacy for future generations.

Scott Jost mentioned that the Friends of the Blacks Run Greenway have raised \$14,725. He asked City Council to endorse the Blacks Run Greenway Master Plan and send the master plan to the Planning Commission for inclusion in future comprehensive planning in Harrisonburg. He also said that the group would conduct the work of developing segments of the greenway project. He requested that the City assume

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

responsibility for the easements for the greenway, assuming liability issues for patrol of the greenway, maintenance of the greenway and agree to let the Friends of Blacks Run Greenway work together with the City Attorney, Parks and Recreation, Public Works and other departments to determine the best method for this to happen. He requested that Council endorse the contribution of City resources and specifically land and staff in order to further the development of the greenway. This request includes land in Purcell Park and City owned land that would be in the downtown corridor between Gay and Elizabeth Streets. The longer-term request would include City land in general along the Greenway route subject to working out the details with responsible City agencies. City-owned land along the greenway is an ideal starting point for the project.

Some discussion by Council Members relative to the project included appreciation to Zane Showker for his contribution, Mr. Showker's continued pattern of generosity toward the community and the greenway, Council enthusiasm about the greenway project becoming an amenity for the community and including road design planning for sidewalks and bike paths on any future street widening in the City.

Council Member Lantz offered a motion to refer this Blacks Run Greenway project to the Planning Commission for its recommendation. The motion was approved with a unanimous vote of Council.

City Treasurer Neal presented a request to authorize the advertising of delinquent real estate taxes for 1999/2000 and 2000/2001. Council Member Frank offered a motion to authorize the City Treasurer to advertise the delinquent real estate taxes. The motion was approved with a unanimous vote of Council.

City Treasurer Neal presented a request to amend Section 15-2-28 of the Harrisonburg City Code. She explained that currently the City sells dog tags that are valid for one year (January/January). The reason for the desired change is a matter of convenience for the dog owner. When dogs receive their first rabies shot as a puppy, it is good for one (1) year. However, when a mature dog receives a rabies shot it is good for three (3) years. She said that dog owners get irritated when they have to produce a valid rabies certificate each of those three years to receive their one-year dog tag. By going to multi-year tags they have the option of buying a one (1) year tag (for young or elderly dogs), two (2) year tag (if vaccination runs out prior to three (3) year option), or a three (3) year tag. This is something that other localities have gone to and it appears to work very well. This change will also affect the charge for a kennel. Mrs. Neal proposed that the City change the annual license tax imposed upon the ownership of dog to one (1), two (2), or three (3) year tags. Council Member Peterson offered a motion to amend this section of the City Code for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

Council Member Peterson

Mayor Fitzgerald

Absent None

Police Chief Harper presented for Council's consideration an application from Robert P. Hume of Travel Mates of Virginia for a Certificate of Public Convenience and Necessity to operate a taxicab business. He explained that the Police Department has conducted an investigation in accordance to City Code Section 14-1-1. Mr. Hume would like to provide an upscale taxi service for his company's tour participants and persons using the Greyhound bus line needing transportation to and from the terminal. Police Chief Harper recommended that the application be approved. Council Member Lantz offered a motion to approve the application and issue a Certificate of Public Convenience & Necessity for Travel Mates. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

City Manager Baker introduced a request from Nautilus Fitness Center to hold a Fab Four Miler race to benefit the Harrisonburg Rescue Squad. Valerie Homes, owner of Nautilus Fitness Center, said that the center has held a different fund raising event each year to benefit local organizations in the community. She reviewed the event's route, which will cover four miles starting at Lucy Drive on Saturday, September 14th at 8:00 a.m., and return to Lucy Drive cul-de-sac. City Manager Baker reminded Ms. Homes that she needed to obtain a certificate of insurance before the race and that several staff members had expressed concern that the racers would be crossing many intersections on a Saturday morning. In addition, there will also be a James Madison University's football game on Saturday, September 14th, which will attract more traffic than usual. Council Member Peterson offered a motion to approve the race in concept and requested that City Manager Baker work with the group organizers to make minor changes to the event's route. The motion was approved with a unanimous vote of Council.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

City Council Members agreed to hold a retreat on August 3rd to review goals and issues of the City.

Vice-Mayor Rogers offered a motion to abolish the Charter Committee. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

No - Council Member Frank

Absent None

Bucky Berry, a resident of 877 North Main Street, complained about several streets in the City having a lot of litter.

Council Member Lantz offered a motion that Donald E. Kidd, Jr., 325 Park Avenue, should be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2007. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Nancy Garber, 1275-D Harmony Drive, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2006. The motion was approved with a unanimous vote of Council.

At 9:17 p.m., there being no further business and on motion adopted the meeting was adjourned.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JULY 23, 2002

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - AUGUST 13, 2002

REGULAR MEETING

AUGUST 13, 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 of a re-appropriation of several encumbrances and amending Section 15-2-28 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent None

At 7:36 p.m., Mayor Fitzgerald 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, July 29, and Monday, August 5, 2002.

MINUTES - REGULAR MEETING OF CITY COUNCIL - AUGUST 13, 2002

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 13, 2002, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

Police Captain Wilfong stated that the United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds, which will be used to purchase police equipments. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this block grant. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent None

City Manager Baker said that a request by the Driver Corporation to rezone 3.121 acres was introduced at the July 23rd City Council meeting. The request was approved for a first reading provided that

MINUTES - REGULAR MEETING OF CITY COUNCIL - AUGUST 13, 2002

before the second reading is held the proffer contained more defined language regarding the landscaping. Mr. Baker said that David Driver has submitted a proffer stating that Norway Spruce trees of a height of four to five feet will be planted in a single line approximately 15 feet from the boundary line between the referenced parcel and Purcell Park. Council Member Peterson said that he was satisfied with the amended proffer and offered a motion to approve the rezoning request for a second reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent None

City Manager Baker presented an overview on the goals established by City Council at the August 2000 retreat. He said that improvements have been made in virtually all of the areas. Some of the major projects and activities include hiring three additional police officers, creating positions for operating and maintaining the City's golf course, updating the City's Capital Improvement Program, appropriating funds for the Public Safety Building, Burgess Road Extension, Cantrell Avenue Road improvements, Simms Building renovations, Stone Spring Road improvements, and Erickson Avenue Extension. The report also included appropriating funds for the Western raw waterline, Smithland Road water projects, two-way communications system, Eastern water supply development, water treatment plant expansion, Smithland Road Sewer project, and continuing work on the Blacks Run Interceptor. Other projects include purchasing passenger school buses, one school activity bus, special education school buses, transit buses, one para transit bus, a tire grinder, funding for the Rockingham County's landfill equipment, and funding for the recycling development. The City also acquired the Hardesty-Higgins House, loaned money and issued bonds to the City's Rescue Squad, issued bonds to construct a new high school, and issued bonds to purchase and renovate a building for the public safety department, rebuild the City's Steam Plant, put a cover over a City reservoir and expanded the City's Water Treatment Plant. Mr. Baker also reported that golfers spent approximately \$280,500 at Heritage Oaks during the course's first months of operation. Staff has seen an increase in golfers returning to play the course and many young people are participating in the First Tee program.

Council Member Peterson presented three proposed charter amendments. He suggested separating How Vacancies are Filled amendment from the referendum and recall election amendments. He explained that a referendum would allow residents to hold special elections to overturn certain council decisions because he believes the electorate should have the option, under certain conditions, to overturn unpopular ordinances and funding decisions. Recall elections would give voters the power to remove a Council Member from office before his or her term ended.

MINUTES - REGULAR MEETING OF CITY COUNCIL - AUGUST 13, 2002

The following discussion by Council Members relative to the proposed charter amendments included Referenda go against the ideal of representative democracy, Whether the system is broken or not broken, citizens choose every two years to elect or not elect its Council Members. Citizens rely on Council Members to make certain decisions. The City is running very effectively under current charter.

Vice-Mayor Rogers offered a motion to stop discussing two proposed charter amendments and rejecting referendum and recall election. Mayor Fitzgerald clarified that a yes vote would be for rejection and a no vote would put the proposed charter amendments on the ballot. The proposed How Vacancies are Filled amendment will be discussed and considered at the August 27th Council meeting. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

No - Council Member Frank

Council Member Peterson

Absent None

City Attorney Miller presented the following resolution for Council's consideration.

**RESOLUTION OF THE
COUNCIL OF THE CITY OF HARRISONBURG
CONCERNING THE IMPOSITION OF MANUFACTURED
OR
MOBILE HOMES
IN RESIDENTIAL ZONES**

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

WHEREAS, the General Assembly of Virginia is likely to consider again during its 2003 legislative session the question of mandating that manufactured, or mobile, homes be permitted as a matter of right in all residential zoning districts, and;

WHEREAS, the General Assembly decades ago delegated to the various localities the task of improving the public health, safety, convenience and welfare of their citizens and of planning for the future development of their communities (Code of Virginia, Section 15.2-2200), and;

WHEREAS, to enable the localities to carry out that task, the General Assembly directed the localities to establish local planning commissions, comprehensive plans and zoning maps, all so that the citizens of the locality, through their local governmental entities, can plan and provide for what is best for their own community, and;

WHEREAS, THE General Assembly has, wisely, delegated to the localities the power and authority to, by ordinance, classify the territory under each locality's jurisdiction into districts of such character as the locality deems best suited to carry out the purpose of the zoning laws, and to regulate, restrict, permit, prohibit, and determine, among other things, the use of lands and buildings in residential districts (Code of Virginia, Section 15.2-2280),

and;

WHEREAS, the localities, for decades, have been faithfully, diligently and effectively carrying out the tasks set before them by the General Assembly, in pursuit of the public health, safety, convenience and welfare of their citizens and in planning for the future development of their communities, and;

WHEREAS, the nature and character of any given residential neighborhood is greatly affected by the type and cost of dwellings located within the neighborhood, and;

WHEREAS, the placement of mobile, or manufactured, homes in neighborhoods is an issue nearly always attended by significant and impassioned public comment, and;

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WHEREAS, the placement of dwellings of significantly lower cost among structures of greater cost serves only to lower the market value of the more costly, and;

WHEREAS, many issues are raised when the market value of homes in a given neighborhood drop, among them, the tax base for that community, as well as overall quality of life, and;

WHEREAS, private developers of subdivisions often record restrictive covenants to run with the land, that operate to further property values and quality of life within those subdivisions, and;

WHEREAS, such restrictive covenants often prohibit placing manufactured, or mobile, homes within the subdivision, and;

WHEREAS, the purchasers of lots within such subdivisions bought lots relying on such protections, which protections would be nullified by a General Assembly mandate permitting manufactured homes in all residential districts, and;

WHEREAS, homeowners who bought lots in district where the local government prohibited the placement of mobile, or manufactured, homes would be similarly injured, and;

WHEREAS, the General Assembly has for many years, wisely left the comprehensive planning, the details of the zoning ordinance, and the day by day administration of land use issues to the local governments, because those governments are best suited to respond to the immediate needs of their residents, it is therefor

RESOLVED by the Council of the City of Harrisonburg, Virginia that it is in the best interests of the City of Harrisonburg that the General Assembly of Virginia leave the planning, regulation and administration of local zoning and land use issues to the various local governments. It is further

RESOLVED that the City Manager and City Attorney communicate to the local delegation to the General Assembly the Council's strong opposition to the imposition by the General Assembly of manufactured, or mobile, homes on all residential districts. It is further

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RESOLVED that the Council, City Manager, and City Attorney shall cooperate with other entities and organizations in an effort to bring the concerns and of the Council to the attention of the General Assembly in any fitting and appropriate manner.

So Resolved this 13th day of August, 2002.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

City Attorney Miller explained that the General Assembly of Virginia is expected to consider favorably mandating that manufactured homes, or mobile homes, be permitted as a matter of right in every residential zoning district in the Commonwealth of Virginia. He said there has been a very effective lobbying effort in Richmond during the last several years by businesses that manufacture and sell the homes. The legal effect of such a mandate would be if there are vacant lots in the City, it would be legal to purchase the lot and put a double wide or mobile home on it. He also said that historically the placement of manufactured homes or mobile homes has created a tremendous amount of interest at public hearings. A law from the General Assembly could possibly make restricted covenants or provisions unenforceable in subdivisions. Council Member Lantz offered a motion to adopt this resolution leaving the planning, regulation and administration of local zoning and land use issues to local governments. The motion also included that the City Manager and City Attorney communicate to the local delegation to the General Assembly Harrisonburg City Council's strong opposition to the imposition by the General Assembly of manufactured, or mobile, homes in all residential districts. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

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Absent None

City Manager Baker presented a request from the Downtown Retail Merchants Association. He explained that the association has requested permission to hold the annual Cruise In and Craft Show on Saturday, August 24th from 9:00 a.m. until 3:00 p.m. He also said that no objections have been raised to this request, although the Fire Department will require that an 18' wide lane be kept open for emergency vehicle access. Council Member Lantz offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion to approve the cancellation of the October 22 and December 24 Council meetings.

City Manager Baker presented a request to transfer funds for the Hogpen Run Access Road project. This funding will help to complete a US Forest Service project. Council Member Lantz offered a motion to transfer these funds:

\$3,000.00 chge. to: 1000-910411-45660 Other non departmental

\$3,000.00 approp. to: 1000-910411-45670 Hogpen Run Access Road

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Lantz

Mayor Fitzgerald

No - Council Member Peterson

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Absent None

Council Member Frank offered a motion to approve FY 2003 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was approved with a unanimous vote of Council.

Building Official Baldwin presented a request to amend Sections 11-1-12, 11-2-35, and 11-3-46 of the Harrisonburg City Code. He explained that current building permit fees have not been adjusted since 1993. Current electrical and plumbing fees have not been adjusted since 1981. With this adjustment, the City's fees will still be lower than a number of Valley jurisdictions. He also said that the Shenandoah Valley Home Builders support this request. Following further discussion and comments, Council Member Frank offered a motion to approve this request for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

No - Vice-Mayor Rogers

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that the department was reimbursed for overtime hours from a grant from the Weed and Seed Program. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$9,389.84 chge. to: 1000-31010 Amount from Fund Balance

\$9,389.84 approp. to: 1000-310231-41020 Salaries/Wages OT

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The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Rogers
Council Member Peterson
Council Member Lantz
Mayor Fitzgerald

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used to pay for a school resource officer at Thomas Harrison Middle School. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$16,496.00 chge. to: 1000-32505 School Resource Officer

\$13,926.00 approp. to: 1000-310431-41010 Salaries/Wages Reg.

1,926.00 approp. to: 1000-310431-42010 FICA

1,393.00 approp. to: 1000-310431-42020 Retirement

75.00 approp. to: 1000-310431-42050 Hospital

37.00 approp. to: 1000-310431-42060 Life Insurance

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Rogers

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Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used to purchase bulletproof vests. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$7,144.10 chge. to: 1000-31010 Amount from Fund Balance

\$7,144.10 approp. to: 1000-310231-48140 Bullet Proof Vests

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used for repairs to a police vehicle. Council Member Peterson offered a motion to approve this request for a first reading, and that:

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\$1,467.82 chge. to: 1000-34011 Insurance Recovery

\$1,467.82 approp. to: 1000-310131-43350 Maint./repair to vehicle equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
 Vice-Mayor Rogers
 Council Member Peterson
 Council Member Lantz
 Mayor Fitzgerald

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds are partial reimbursement provided by ICRIST for the department sequel server. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$4,000.00 chge. to: 1000-31010 Amount from fund balance

\$4,000.00 approp. to: 1000-31041-48173 Software

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
 Vice-Mayor Rogers
 Council Member Peterson

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Council Member Lantz

Mayor Fitzgerald

Absent None

Bucky Berry, a resident of 877 North Main Street, commended Assistant City Manager Kurt Hodgen for helping with traffic and other things during a recent rainstorm. He complained about the City not having enough fire trucks with ladders.

Council Member Lantz offered a motion to appoint Vice-Mayor Rogers to Harrisonburg Weed and Seed Program. The motion was approved with a unanimous vote of Council.

City Manager Baker said that the Virginia Juvenile Community Crime Control Act is forming a group of representatives from local governments to represent localities. Mr. Baker recommended that Brenda Spencer who is the Juvenile Court Supervisor be appointed as Harrisonburg's representative. Council Member Peterson offered a motion to appoint Brenda Spencer to the VJCCA State Wide Local Government Workgroup. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Margaret W. Sheridan, 518 East Market Street, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2002. The motion was approved with a unanimous vote of Council.

At 9:15 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of a consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Council. A closed session is permissible for this purpose to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code). The motion was approved with a unanimous vote of Council.

At 9:30 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened were heard, discussed or considered in the closed session by the City Council.

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At 9:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Assistant City Manager
Public Library

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REGULAR MEETING

AUGUST 27, 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.

Vice-Mayor Rogers 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 of Supplemental Appropriations for the Police Department and amending Section 11-1-12, 11-2-35, and 11-3-46 of the Harrisonburg City Code. The motion also included referring closing a portion of Beech Street and closing a portion of an alley behind Kyger & Trobaugh Funeral Home to the Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Parks and Recreation Director Foerster presented a request for transferring property and creating a trail connecting Westover Park and Hillandale Park. Mr. Foerster explained that in 1999 the department applied for and received a grant from the TEA 21 (Transportation Enhancement Act for the 21 Century). This grant's purpose, and one of the requirements was to connect neighborhoods with schools and parks. The original plan

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called for the trail to run out of Hillandale Park along the power lines adjacent to the Lineweaver property, behind Wyndam Woods, past the middle school and then out to US 33 and down the sidewalk to Westover Park. With the construction of the golf course that route is no longer feasible. Since January, the Park and Recreation Department has worked to find an alternative to the original plan. He said that on August 14th the proposed trail was presented to Planning Commission as two issues. The first item presented for approval to the Planning Commission was the portion to be routed on City streets coming out of the Bridgewater College property on Oak Lane to Circle Drive to Turkey Run and back to Circle Drive to Neyland Avenue. Planning Commission voted six to zero against this proposal. The second item presented was the concept of swapping approximately 2 ½ acres of Westover Park for a similar-sized tract on the Annie B. Good property allowing a trail to be connected from Westover Park with Thomas Harrison Middle School and Thomas Harrison Middle School with paper street Neyland Drive. Planning Commission approved this concept by a vote of seven to zero. It is this concept (the land swap) that City Council is being asked to approve. He then showed a power point slide show highlighting the major points of the project. After the slide show, Mr. Foerster pointed out different features of the project on a large map. He said that since Planning Commission turned down the portion of the trail along a street route, the Parks and Recreation Department is no longer interested in pursuing that portion of the trail.

Mayor Fitzgerald questioned whether paperwork would still be required under the Conservation Act for the land swap facilitating the development of a walking trail from Westover Park to Thomas Harrison Middle School. Mr. Foerster said that in 1972, the Parks and Recreation Department received a grant of approximately \$60,000 to develop portions of Westover Park. If the land swap is approved the conditions placed on the grant would require the City to conduct a six month conversion study before development can begin. The conversion process would require an appraisal of the property being traded and the appraisal would have to equal the traded property in monetary value and in recreational value.

At 7:48 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 12, and Monday, August 19, 2002.

Notice Of Public Hearing

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The Harrisonburg City Council will hold a public hearing on Tuesday, August 27, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Public hearing to consider the transfer of property identified as tax map parcel 37-A-10 and 11 and 36-P-1 (2.17 acres approximately) by the City of Harrisonburg, Virginia and contract purchasers William and Susan Cale. The transfer will facilitate the location and construction of a recreation trail linking Hillandale Park and Westover Park. The property is located west of Westover Park and connects to Neyland Drive. If this request is granted this property will be subdivided and transferred between the property owners.

Maps and other information are available for review in the Department of Parks and Recreation, 305 South Dogwood Drive, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against a proposed land swap creating a trail from Westover Park to Thomas Harrison Middle School. Mr. Fitzgerald clarified that the Parks and Recreation Department has withdrawn the trail along City streets connecting Westover Park and Hillandale Park.

Deb Mitchell, a resident of Wyndham Woods Circle, said that she supported the idea of a walking trail. She said that her family has lived in communities having walking trails and found them to be wonderful. They promote a sense of community that is too often missing. People can walk, jog, spend time with their children, ride bikes because there aren't a lot of safe places for that to occur in our City. Criminal activities are less likely to happen and easier to control on a walking trail. Also, a walking trail could enhance property values.

Todd Hedinger, a resident of 32 Emory Street, said the land swap shouldn't be a conversational issue. Parks have been in the City for many years. The trail should provide a safe means of transportation.

Suzanne Obershain, a resident of 1062 Wyndham Drive, presented a petition containing signatures of 35 residents and property owners from the Wyndham Drive neighborhood. She said that the residents opposed a plan to develop a walking trail behind their homes. The proposed trail could decrease property values, cause an invasion of privacy, increase traffic within the neighborhood and will directly disturb the natural surroundings within the backyards.

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There being no others desiring to be heard, the public hearing was declared closed at 7:58 pm., and the regular session reconvened.

The following discussion by Council Members relative to the proposed land swap included whether the land swap would facilitate development of a walking trail, lots of obstacles, certain level of uncertainty whether the City will be able to spend the grant money on this project, whether the Conversation Act paper work can be completed on time, and confusion because three different trails have been discussed. Council Member Lantz offered a motion requesting that City Manager Roger Baker and Director of Parks and Recreation Lee Foerster look into purchasing the property that would have been involved in the land swap originally. The motion also included presenting a report to City Council at a later meeting. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Nathan Miller, representing Virginia Technology Incubator, said that Virginia Technology Incubator purchased the land from the City with an agreement that the City would subordinate its loan for financing of the purchase to the construction price. The construction price was estimated at \$1 million. The building is completed and occupied. But, the construction cost has exceeded the original estimate. Following further discussion and comments, Council Member Lantz offered a motion to approve the subordination agreement. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

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Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner presented an overview of the Blacks Run Greenway Master Plan. She said that Planning Commission has unanimously recommended to endorse five concepts of Blacks Run Greenway Master Plan to City Council. The concepts include 1) endorsement of the Greenway Master Plan. 2) send to Planning Commission for inclusion in the Comprehensive Plan, 3) City participation in the capacity of holding easements, assuming liability, providing security, and maintenance, 4) contributions of City resources to include land and staff support, 5) support City related agencies to cooperate with the efforts of the Friends of Blacks Run Greenway such as the Harrisonburg Redevelopment and Housing Authority, Harrisonburg Electric Commission, and the school system. Council Member Peterson offered a motion to endorse the Blacks Run Greenway Master Plan. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

School Superintendent Ford announced that Nielsen Construction was the lowest bidder for constructing a new Harrisonburg High School. He said that last year City Council approved the issuance of bonds through VPSA in the amount of \$41.5 million to build a new high school. The School Board is ready to begin construction so that the project can be finished by the fall of 2004. He requested a commitment from City Council to allow the School Board to use the necessary amount from the school's unappropriated fund balance that may be needed to complete the project. The fund, with a current balance of \$1.2 million, includes revenue from the state lottery, past budget surpluses and other savings. No additional funds are being requested from City Council. But, Dr. Ford mentioned that the board may come back to Council at some point during construction to request up to \$500,000 from the school system's unappropriated fund. Council Member Lantz suggested board members look to cut corners somewhere before they come back to the Council with any funding request. Following further discussion and comments, Council Member Lantz offered a motion to approve a resolution allowing the School Board to return, if needed, to request additional funding for construction of the new high school. The recorded roll call vote was taken as follows:

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Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Council Member Peterson offered a motion to schedule a public hearing on September 24, 2002 amending Section 6 How Vacancies are Filled of the Harrisonburg City Charter. The recorded vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Mayor Fitzgerald

Abstained - Council Member Lantz

Vice-Mayor Rogers

Absent None

City Manager Baker presented a request from Rockingham County Public Schools. He explained that the schools have requested permission to hold a special event Celebrating Character Counts on Court Square on Thursday, September 12th from 5:30 p.m. until 8:00 p.m. Council Member Peterson offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Mayor Fitzgerald presented the following resolution for Council's consideration.

2002 General Obligation Bond Referenda

Endorsement Resolution

WHEREAS, on November 5, 2002, Virginia voters will have an opportunity to approve two important general obligation bond referenda: a \$900 million bond for Higher Education and Museums and a \$119 million bond for State Parks and Natural Areas; and

WHEREAS, the future of Virginia rests in the quality of our schools, and this \$900 million bond will pay for needed upgrades, renovations, modernizations and new construction at all public community colleges, senior colleges and universities in the state; and

WHEREAS, the state-owned museums are stewards of Virginia's artistic, historical and scientific heritage. They are not only interested in the past; they serve as catalysts for future scholarship, innovation and creativity; and

WHEREAS, the Parks and Natural Areas Bond referendum will enhance Virginia's tourist potential, increase the flow of out-of-state revenue to Virginia; help stimulate our sluggish economy particularly in rural areas, and improve recreational offerings throughout Virginia for the enjoyment of our citizens and families; and

WHEREAS, Virginians can provide further for future generations by supporting the \$900 million Education Bond referendum that would finance capital improvement for universities, colleges, and museums; and

WHEREAS, voter support of these referendums would result in significant improvements to the state's educational facilities, outdoor lands and museums, without a tax increase, as well as create jobs throughout the Commonwealth; and

WHEREAS, there would be direct benefit to the Harrisonburg area since the Higher Education Bond Issue includes significant projects for James Madison University and Blue Ridge Community College and support for area parks is included in the Parks and Natural Areas referendum:

THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg endorses the passage of the Higher Education Bond referendum and the Virginia State Parks and Natural Areas Bond referendum

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and further encourages other citizens of the Commonwealth to support these referenda on the November 5, 2002, ballot.

So Resolved this 27th day of August 2002.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Fred Hilton, Director of University Communications, at James Madison University, said the Shenandoah Valley Partnership is planning to take a position on the State Bond Referendums, which will be on the November 5, 2002 ballot. These bonds will pay for needed upgrades, renovations, modernizations and new construction at all public community colleges, colleges and universities in the state. In addition, the bonds will provide needed funding for the state to take over the Upper Valley Regional Park Authority. Council Member Peterson offered a motion to approve supporting the bond referendums. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for support from the Shenandoah Resource Conservation and Development (SRCD). He explained that the Shenandoah Valley Soil and Water Conservation district is in the process of establishing a new organization that will give the SVSWCD access to Federal Funds that are not available under the current charter. The SVSWCD would like for the City of Harrisonburg to become one of 15 Associate Sponsors of the new organization. Mr. Baker said that he supported the request and noted that no additional funding is being sought from the City. Council Member Frank offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation for the Public Utilities Department. He explained that these funds from the past fiscal year unappropriated Water Fund balance will be used to extend the waterline in the Smithland Road area. Council Member Lantz offered a motion to approve this request for a first reading, and that:

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\$300,000 chge. to: 2011-31010 Amount from fund balance

300,000 chge. to: 1321-34220 Transfer from Water Fund

\$300,000 approp. to: 2011-392061-49216 Transfer to Capital Projects

300,000 approp. to: 1321-910161-48633 Smithland Road

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He explained that these funds were received by the Fire Department from state grants and will be used for fire programs and hazmat supplies. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$30,877.15 chge. to: 1000-31010 Amount from fund balance

\$14,921.66 approp. to: 1000-320232-48203 Fire programs fund

15,955.49 approp. to: 1000-350532-46160 Hazmat supplies

The recorded roll call vote was taken as follows:

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Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to purchase digital cameras and equipment. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$1,998.00 chge. to: 1000-31901 Recoveries and Rebates

\$1,998.00 approp. to: 1000-310231-48111 Machinery & equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

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Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to purchase additional surveillance equipment. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$4,478.15 chge. to: 1000-31010 Amount from fund balance

\$4,478.15 approp. to: 1000-310231-48211 Machinery and equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers
Council Member Peterson
Council Member Lantz
Council Member Frank
Mayor Fitzgerald

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to purchase additional surveillance equipment from a 2000 block grant. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$2,090.78 chge. to: 1000-31010 Amount from fund balance

\$2,090.78 approp. to: 1000-310331-48211 Machinery and equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

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Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to have a new DARE vehicle painted and equipped. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$4,772.60 chge. to: 1000-31010 Amount from fund balance

\$4,772.60 approp. to: 1000-310431-48151 Motor vehicles and equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Lynn Rexrode, a resident of 583 Hawkins Street, complained about new sidewalks being installed on Hawkins Street and the City not cleaning up the area. Mr. Rexrode's complaint was referred to City Manager Baker. He also complained about apartment complexes not taking care of trash dumpsters.

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Bucky Berry, a resident of 877 North Main Street, complained about people parking on the sidewalks and the lack of available police officers to respond to calls.

Vice-Mayor Rogers offered a motion to ask Planning Commission for a recommendation report on whether to amend a City Code ordinance to allow the increased occupancy to five persons. The recorded vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

No - Council Member Frank

Absent None

City Manager Baker announced that Harrisonburg and Rockingham County will have a memorial service on September 11, 2002 at 8:15 a.m. on the Court House lawn. The service will feature remarks from leaders and songs from area high school choruses.

Council Member Lantz announced that the Deer Task Force Committee will be meeting to discuss deer problems in the City.

At 9:27 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of a specific public officer or appointee of the Council. A closed session is permissible for this purpose to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The motion was approved with a unanimous vote of Council.

At 9:50 p.m., the closed session ended and the regular session reconvened. The following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and

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belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened were heard, discussed or considered in the closed session by the City Council.

At 9:51 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - SEPTEMBER 10, 2002

REGULAR MEETING

SEPTEMBER 10, 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 Chief of Police Donald Harper.

Council Member Frank 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 of several Supplemental Appropriations for the Police Department, Fire Department and the Public Utilities Department. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request by Freedom Baptist Church for a special use permit to allow the operation of a Child Day Care Program. The church facility is located at 141 Pleasant Hill Road. She reviewed the surrounding uses in the area. City ordinance defines child day care center as a regularly operating service arrangement for two (2) or more children under the age of thirteen (13), where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision and well-being of a child for less than a twenty-four hour period, a facility that is not the residence of the provider or of any of the children in care. The church currently has adequate space to house the facility and sufficient parking to support the use. Regulation and inspection of the facility will be the responsibility of the Virginia Health Department. Mrs. Turner said that staff recommended approval of the special use permit to allow Freedom Baptist Church to operate a child day care center, with the following conditions: 1) Hours of operation for the site are to be restricted to Monday through Friday between 6:00 a.m. to 7:00 p.m. 2) Special use permit shall remain valid for only the period of time a child day care center is in operation on the site. The church meets all the required setbacks for places of worship and the surrounding neighborhood is comprised mostly of residential uses of varying densities. She said that the Planning Commission recommended approval of the request.

At 7:37 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 26, and Tuesday, September 3, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, September 10, 2002, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider the following.

SPECIAL USE PERMIT-FREEDOM BAPTIST CHURCH

Public Hearing to consider a request by Freedom Baptist Church for a special use permit {per Section 10-3-34 (1)} to allow the operation of a Child Day Care Program. The property is identified as tax map 8-B-5 and is located at 141 Pleasant Hill Road.

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 person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

Bucky Berry, a resident of 877 North Main Street, asked City Council to approve the special use permit. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote:	Yes -	Council Member Peterson
		Council Member Lantz
		Council Member Frank
		Vice-Mayor Rogers
		Mayor Fitzgerald
Absent	None	

Planning and Community Development Director Turner introduced a request by BIZ L.L.C. for a special use permit to allow not more than three (3) individuals to occupy the front unit of a two-family dwelling unit at West Fairview Avenue. She explained that the front portion of the structure contains three bedrooms while the rear portion has two bedrooms. A recently approved minor subdivision reapportioned sections of the rear yards of two neighboring lots to increase the square footage of the subject property lot. The extra area was needed to make the existing two-unit structure a conforming use under the City's Ordinance. A minimum of 11,000 square feet is required for a two unit dwelling in the R-2, Residential District. She reviewed the surrounding uses in the area. She also said to reduce the impact on the surrounding

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neighborhood the following conditions are recommended by staff: 1) A minimum of five (5) off-street parking spaces must be provided in the rear of the subject property. The surface must consist of an all-weather stabilized, dust free surface that is clearly defined from adjoining on-site improvements, as required per Section 2.5.5 of the Design and Construction Standards Manual. 2) The property shall be inspected on an annual basis, similar to the boarding house inspection, to ensure building code requirements are met and the number of people residing on the premise meets the criteria of the permit. This inspection is to take place while all tenants are residing in the structure. 3) After a property passes its annual inspection, the Zoning Administrator will administratively renew the special use permit provided the use is still permitted by the Zoning Ordinance. 4) The Zoning Administrator shall revoke the permit, if this inspection does not take place every twelve (12) months. 5) The Planning Commission shall be authorized to review complaints received on the property on an on-going basis and based on their findings, notify the landlord that the permit is being revoked unless they wish to reapply for a special use permit. This section of Fairview Avenue and the intersecting Harrison Street are almost wholly comprised of rental properties. She said that Planning Commission recommended approval of the request.

At 7:45 p.m., Mayor Fitzgerald 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, August 26, and Tuesday, September 3, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, September 10, 2002, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider the following.

SPECIAL USE PERMIT-BIZ, L.L.C.

Public Hearing to consider a request by BIZ L.L.C., for a special use permit {per Section 10-3-40 (7)} to allow not more than three (3) individuals to occupy the front unit of a two-family dwelling unit at 55 West Fairview Avenue. The property is zoned R-2, Residential District and can be found on tax map parcel 18-1-94 & 95.

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 person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

Franklin Blatt representing BIZ, L.L.C. said that the structure was built originally as a three-bedroom house in the 1950's. A back unit was added later, making it a two unit dwelling. The reason for the minor subdivision for this property was to make this structure conform to the lot size requirements for a two unit dwelling in the

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R-2 zoning classification. He said rather than increasing density by right, he was only asking for a special use permit for the front portion of the property. He reviewed some of the improvements he has planned for the property. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request to amend Section 10-3-24 of the Zoning Ordinance. She explained that the proposed amendment would clarify the definition of the ordinance. Mrs. Turner reviewed the current definition of the ordinance and said that it was not very clear. The new definition will read: *Public Use*: Any instance where a lot or parcel of land, or any improvement on a lot of parcel of land, is used by (1) the City of Harrisonburg, or (2) another government entity having a contractual relationship with the City for the use of such lot or parcel or improvement.

At 7:54 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 26, and Tuesday, September 3, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, September 10, 2002, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider the following.

ORDINANCE AMENDMENT

Public Hearing to consider amending the Zoning Ordinance definition of public uses:

Article F. Definitions, Section 10-3-24.

***Public Use*: Any instance where a lot or parcel of land, or any improvement on a lot or parcel of land, is used by (1) the City of Harrisonburg, or (2) another governmental entity having a contractual relationship with the City for the use of such lot or parcel or improvement.**

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 person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve amending Section 10-3-24 of the Zoning Ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

 Council Member Lantz

 Council Member Frank

 Vice-Mayor Rogers

 Mayor Fitzgerald

Absent None

Mayor Fitzgerald presented a request for additional funding from the Harrisonburg Salvation Army. Major Samuel Van Denberg, Corps Officer for the Salvation Army, said that the Salvation Army has been an organization involved in the community for the past 77 years. He said that the Salvation Army needs to raise \$1 million to help pay off the loan on its new emergency shelter in Harrisonburg and to construct a larger educational/recreational facility in the City. He requested additional funding from the City.

The following discussion by Council Members relative to the request for additional funding from the Salvation Army included City has already appropriated \$10,000 to the Salvation Army in its 2002-2003 budget, perhaps adding \$15,000 to that contribution, \$25,000 was too steep, setting a precedent for such lavish charitable giving, Salvation Army has a broad base of community support, appreciate the many things the Salvation Army does for the community; however, it is still unknown what budget cuts the City will face from the state. Council Member Rogers offered a motion to add an additional \$25,000 in funding for the Salvation Army. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

 Council Member Frank

 Vice-Mayor Rogers

 Mayor Fitzgerald

No - Council Member Peterson

Absent None

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City Manager Baker presented an overview of Governor Mark Warner's drought executive order. He explained that the executive order applies to all localities in the state except an area in Northern Virginia and an area in Southwest Virginia. The order does not state that a locality has to impose restrictions or penalties only that it may impose restrictions or penalties. Mr. Baker recommended that the City go to a voluntary restriction stage to notify the City's biggest water users and educate the public. Mr. Baker said that although the City has an adequate supply of water at the current time, "I would hate to have to come in here in October and say we have to go straight to an emergency level without educating people. We've had a lot of calls from people wondering what they can and can't do. It would be less confusing to people if we go to the voluntary conservation phase."

Council Member Lantz said there is no need to add to the state's restrictions, particularly since the City's water problems are relatively minor. He said, "If this was July or early August, I might have been inclined to do it, but it is mid-September and it's starting to cool down. People don't use (as much water) this time of year. The governor's already given a decree and people realize there's a drought. He said he was concerned residents might not take future orders seriously, when the City's problems may be more severe, if water restrictions are imposed now. I'd hate to cry wolf when we don't really have a problem."

Council Member Peterson said it is important to reinforce the state's order. He said, "We need to avoid the confusion of having two different governments on two different sides of the issue. I'm worried if we don't do this, people will read the paper tomorrow and think there's no problem. He also said not to institute phase one conservation might give residents the impression that the state's order does not apply to them."

Vice-Mayor Rogers suggested that Council wait two weeks to determine how residents are responding to the state's order and to give Mother Nature a chance to cooperate. The citizens are already conserving water because the City has been in this situation before. Council Member Frank offered a motion to implement voluntary water restrictions. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Mayor Fitzgerald

No - Council Member Lantz

Vice-Mayor Rogers

Absent None

Residents of the 300 block of Myers Avenue appeared before City Council to discuss parking problems.

Sandra Landes, a resident of 323 Myers Avenue, presented a petition containing signatures of the residents of Myers Avenue. She said the residents of Myers Avenue who live directly across from the Spotswood Elementary School are experiencing constant parking problems, noise, unruly behavior and traffic congestions. At times it is difficult to get in and out of our own driveways due to the congested parking on both sides of the street. A group gathers almost every day of the week to play soccer in either the Spotswood playground or Kiwanis Park. This issue has no relation to the City's soccer league. She said that the residents are requesting no parking or permit parking seven days a week and 24 hours a day for both sides of the 300 block of Myers Avenue. Myers Avenue is currently in a red zone which allows parking Monday through Friday from 4:00 a.m. to 6:00 p.m.

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Don Wallinger, a resident of 331 Myers Avenue, said that cars are double parking on both sides of the street. He said, I am concerned about safety because children are running out into the street after soccer balls.

Dr. Bijan Saadatmand, a resident of 345 Myers Avenue, said that he was tired of constantly having to pick up after the players and expressed concern about more serious criminal activity. He said, For many hours they will sit in their cars, so called watching the game where it is too far to see the game. They are watching the activities in our front yards. He said that a neighbor could not get into his driveway because of the congestion caused by illegally parked cars. We have tried to reason with the players, but it is difficult to communicate with them.

The following discussion by Council Members relative to the parking problem issue included changing to the blue zone could hinder a lot of family activities, area has not met blue zone parking requirements, restrict parking to one side of the street, users of the park should be allowed to park along the streets, ask the School Board to consider developing a parking lot off of Reservoir Street, compromise, banning parking from one side of the street, and parking problems being an enforcement issue. Vice-Mayor Rogers offered a motion to table this issue and requested that City Manager Baker and the Transportation Safety Commission present a report with recommendations to the City Council at the October 8 meeting. The motion was approved with a unanimous vote of Council.

City Manager Baker stated that the Virginia Municipal League has been scheduled for October 21-23, 2002. Council Member Peterson offered a motion naming City Manager Roger Baker as the voting delegate and Mayor Joseph Gus Fitzgerald as the alternate voting delegate. The motion was approved with a unanimous vote of Council.

Parks and Recreation Director Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He explained that these reserved funds would be used for a Skateboard Park project and making improvements to the Ramblewood Athletic Complex. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$200,000.00 chge. to: 1000-31010 Amount from fund balance

\$182,000.00 approp. to: 710171-48229 Skateboard Park

18,000.00 approp. to: 710871-48184 Improvements

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from state asset seizure money to cover training and computer items

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for investigation of computer crimes. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$5,503.00 chge. to: 1000-31010 Amount from fund balance

\$1,758.00 approp. to: 1000-310331-45530 Training

2,245.00 approp. to: 1000-310331-48273 Software

1,500.00 approp. to: 1000-310331-48272 Hardware

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that the department has received reimbursement money from the Division of Motor Vehicles to purchase a large print display board and rebuild a speed trailer. . Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$1,489.00 chge. to: 1000-33524 DMV Grant

\$1,489.00 approp. to: 1000-310231-48211 Machinery and equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Bucky Berry, a resident of 877 North Main Street, complained about his deteriorating sidewalks.

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City Manager Baker reminded everyone that a Harrisonburg and Rockingham County memorial service will be held on Wednesday, September 11, 2002 at 8:15 a.m. on the Court House lawn.

At 9:08 p.m., Council Member Peterson offered a motion that Council enter a closed session for the discussion of performance of specific public officers, appointees or employees of the Harrisonburg City Council. A closed session is permissible for this purpose to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to the acquisition of real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The motion was approved with a unanimous vote of Council.

At 9:30 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened were heard, discussed or considered in the closed session by the City Council.

Council Member Peterson offered a motion that James E. Huffman, 1214 Windsor Road, be appointed to a second term on the Harrisonburg Planning Commission to expire on December 31, 2006. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that J.T. Turner, 870 Blue Ridge Drive, be appointed to a term on the Central Shenandoah Emergency Medical Services Council to expire on October 10, 2005. The motion was approved with a unanimous vote of Council.

At 9:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - SEPTEMBER 24, 2002

REGULAR MEETING

SEPTEMBER 24, 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; and Chief of Police Donald Harper. Absent: City Clerk Yvonne Bonnie Ryan, CMC/MMCA.

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 amending and re-enacting Section 10-3-24 and 10-3-35 of the Harrisonburg City Code. The motion also included the second reading approval of Supplemental Appropriations for the Police Department, Parks and Recreation Department, and transferring funds for a department. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request from Eastern Mennonite High School for the creation of a master plan for the school's campus. She said that the master plan would allow parking areas and accessory structures to encroach into the required setback. The property is located at 801 Parkwood Drive. The Comprehensive Plan designates this area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities,

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hospitals, offices of nonprofit organizations, community assembly uses and institutions, which provide for the shelter and care of people. She reviewed the surrounding uses in the area. Currently, the property has a split zoning designation of B-2, General Business District and R-3, Multiple Dwelling Residential District; however, both zoning sections are overlaid with the I-1, Institutional Overlay District. The regulations provided under the I-1 District are intended to supplement those permitted in the underlying zoning classification, in this case B-2 and R-3, not to be more restrictive than those of the underlying zoning classification. These overlay regulations are available to several different types of institutional uses to allow for a greater flexibility than the underlying zoning classification would allow. This flexibility is in recognition that property lines are somewhat artificial in these types of developments and to allow for a relaxation of regulation where appropriate as a part of an overall development plan and when not detrimental to surrounding properties. The City's Zoning Ordinance in the Institutional Overlay District contains the basic permitted uses allowed in setback regulations. Additionally, under Section 10-3-106 (a) of the I-1 District, there exists a master plan process which provides a mechanism for an applicant to request approval of a master plan for development that may include uses which do not meet the dimensional or parking requirements. The proposed EMHS master plan has two areas that do not meet the above necessary requirements, which allows the Planning Commission and City Council to allow for the reduction in these requirements through the master plan process. The first area is located along Mt. Clinton Pike, where a dugout is planned to be constructed for the softball field and does not meet the dimensional regulations. The dugout located parallel to Mt. Clinton Pike encroaches into the 30-foot setback requirement by five feet. The applicant states in their letter that the options for locating this dugout other than as projected are limited as there would be very significant cost in relocating the softball field, and it would tighten an already tightly planned property. The second area does not meet the necessary parking requirements and is located along the western property line that adjoins Eastern Mennonite University (EMU). The large parking lot shown behind the main facility directly abuts the western property line. The Zoning Ordinance's Off-Street Parking regulations, Section 10-3-25 (3) states, that parking spaces shall be separated from all property lines by a landscaped border not less than ten (10) feet in width or appropriate visual elements such as walls or fencing. The configuration shown encroaches upon the property line and leaves no room for appropriate visual elements. In 1998, EMU received approval of their master plan, which shows a parking lot on the adjacent property, but not directly abutting the property line. She said that staff and Planning Commission recommended approval of the request.

At 7:40 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, September 10, and Tuesday, September 17, 2002.

Notice Of Public Hearing

MINUTES - REGULAR MEETING OF CITY COUNCIL - SEPTEMBER 24, 2002

The Harrisonburg City Council will hold a public hearing on Tuesday, September 24, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

MASTER PLAN

A request by Eastern Mennonite High School for approval of a master development plan for real estate owned or controlled by the school and situated within the R-3 Institutional Overlay District. The site is identified as the following parcel on the City of Harrisonburg s block maps: 47-N-7.

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

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

J. David Yoder, Principal of Eastern Mennonite High School (EMHS) said that he appreciated the opportunity to speak and said that Mrs. Turner had made an excellent presentation of the request. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

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Planning and Community Development Director Turner introduced a request by James Hoak for a preliminary plat to subdivide one acre of land, with improvements, out of a larger twenty-acre parcel, zoned R-1, Single-Family Residential District. The property is located at 460 Pear Street. She said that Mr. Hoak has requested several variances in the City's subdivision regulations. The preliminary plat request is to subdivide a parcel creating an additional parcel of land that is approximately one (1) acre in size. This new lot contains an existing house and garage. Because of the unique situation of this lot, two variances are being requested. The first variance is to Section 10-2-42(d) of the subdivision ordinance that requires all lots to front on a public street. The second variance is to Section 10-2-43 of the subdivision ordinance that requires utility easements along lot lines. The unnecessary hardship particular to this property is the large size of the parent tract, 20 plus acres, and the fact that only one lot is desired to be divided at this time. This subdivision would allow the separate conveyance of a one (1) acre lot and an existing house and garage. This house has been on the property for approximately 30 plus years and was annexed into the City in 1983. Currently, the house on the property is serviced by a well. In the future, water could be provided from a line on Pear Street. The proposed plan conforms to the R-1 zoning classification, the Comprehensive Plan, and City staff has no objections to the preliminary plat with the variances. She said that Planning Commission recommended approval of the request. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

Kevin Leigh, President of the Rockingham-Harrisonburg SPCA, appeared before City Council to request funding for a new animal shelter. He said that a new facility is needed to meet standards for state veterinary regulations, new OSHA and ADA laws. The 30-year-old building is consistently overcrowded. It is also difficult to contain the spread of disease among animals. Mr. Leigh said that the SPCA had approximately \$1 million in available funding for a new facility. The SPCA plans to spend \$400,000 of the funding for the new facility and borrow \$600,000. He said that the SPCA was requesting \$500,000 from the City. Rockingham County pledged \$500,000 for the new facility. He also noted that the new shelter would have dedicated office space for animal control officers.

Council Member Lantz questioned whether the current facility could be renovated and if the City and County were sharing equal responsibilities.

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Vice-Mayor Rogers stressed the need to help the SPCA build a new facility. He said, The City would have to build its own impoundment facility if the SPCA did not take in the animals caught by the animal control officer. It s actually a good deal for the City.

Council Member Peterson expressed concern about the City taking on more debt. He suggested that instead of giving the organization a lump sum donation, it might prove better for the City to draw out those payments over a 30-year period. The SPCA is going to have to bond out \$600,000 anyway, so why don t they borrow another \$500,000 and Harrisonburg will sign a contract promising to pay that part of it over the life of the bond. He said by paying off a portion of the SPCA s debt, the City could still donate the \$500,000 without taking out a loan itself. With current interest rates, the City would pay the SPCA about \$27,000 a year for 30 years under such a deal. Currently the City gives the SPCA about \$43,000 annually. He said, So we essentially just bump that donation up to \$70,000. Council Member Peterson offered a motion to refer this request to the City Manager and his staff for a recommendation regarding the City s finances. The motion was approved with a unanimous vote of Council.

Mayor Fitzgerald announced that a proposed joint City Council/School Board meeting has tentatively been scheduled for October 29, 2002. The meeting will be televised.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from state asset seizure money to purchase upgrades for current polygraph machine. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$3,615.00 chge. to: 1000-31010 Amount from fund balance

\$3,615.00 approp. to: 1000-310331-48172 Hardware (replacement)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

MINUTES - REGULAR MEETING OF CITY COUNCIL - SEPTEMBER 24, 2002

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that the department has received reimbursement money from the Virginia Municipal Liability Pool to repair a police car, which was damaged in an accident. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$1,009.99 chge. to: 1000-1000-34011 Insurance recovery

\$1,009.00 approp. to: 1000-310131-43350 Maintenance and repair to vehicle

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Frank
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a Federal block grant to purchase in-car cameras for police vehicles. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$25,016.00 chge. to: 1000-33507 block grant (Federal)

MINUTES - REGULAR MEETING OF CITY COUNCIL - SEPTEMBER 24, 2002

\$25,016.00 approp. to: 1000-310231-48211 Machinery & equipment (new)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Frank
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent None

Bucky Berry, a resident of 877 North Main Street, suggested that a fifth fire truck should be located in the Park View area of the City.

Ken Bahn, a resident of 668 Garbers Church Road, suggested that the City should hire a survey research expert rather than requesting bids for these services on many projects. He said there are local people who can conduct surveys at a lower cost, saving the City a lot of money in research. Having professionals conduct the research for new projects should be extremely important to the City.

Douglas Orndoff, a resident of 350 East Elizabeth Street, said that he was the owner and operator of Harrisonburg Auto Upholstery. He said that during the last several months his business has been completely blocked by the construction on the North Main Street Bridge. He said he is losing business every week from repeat customers because the construction has not been completed on time. City Council requested that City Attorney Miller look into this matter.

At 8:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

MINUTES - REGULAR MEETING OF CITY COUNCIL - SEPTEMBER 24, 2002

CITY CLERK

MAYOR

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

REGULAR MEETING

OCTOBER 8, 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 Chief of Police Donald Harper.

Vice-Mayor Rogers 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 Supplemental Appropriations for the Police Department. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request from Kenneth Kyger and James Madison University (JMU) to close a 3,900 square foot alley running east-west parallel and north of Patterson Street. The site is currently used for parking and for access at James Madison University. She reviewed the surrounding uses in the area. Kyger & Trobaugh Funeral Home has requested that the City close the alley behind their facility to allow them to purchase the property. The Funeral Home would like the

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

additional land so that proper boundaries can be established for landscaping and maintenance. In its current condition the alley is non functional and cannot be discerned from the surrounding development. Because of the existing structures and parking lots that surround this alley, it would be highly unlikely that the City would be able to use the right-of-way for the originally intended purpose. The only adjoining neighbor is James Madison University. In a letter from their Real Property Administrator, the University has expressed interest in purchasing half of the alley for their own use. If this alley is closed, an additional survey should be drafted showing the equal division of the alley to both parties. The western portion of the alley was closed in 1989. She said that Planning Commission recommended approval of the request.

At 7:35 p.m., Mayor Fitzgerald 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, September 23, and Monday, September 30, 2002.

NOTICE OF INTENTION TO CLOSE

AN ALLEY BEHIND

KYGER & TROBAUGH FUNERAL HOME

IN THE CITY OF HARRISONBURG

City Council Chambers

Tuesday, October 8, 2002

7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, October 8, 2002, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Kyger & Trobaugh Funeral Home to close a portion of an alley behind the funeral home.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the alley to be close 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.

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 Fitzgerald called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Vice-Mayor Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

 Vice-Mayor Rogers

 Council Member Peterson

 Council Member Lantz

 Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request from Trinity Presbyterian Church to close and purchase a 5,503 square foot section of Beech Street. She explained that the site is a paper street and will not be developed by the City. Currently a water main, fire hydrant and water meter are located in the right-of-way; however, the applicant is placing a 20-foot water line easement centered on the main. She reviewed the surrounding uses in the area. Trinity Presbyterian Church is requesting that a portion of a paper street (Beech Street) between Maryland Avenue and New York Avenue be closed and sold to them. The Church is currently planning on an expansion of its existing building. Their property currently surrounds the right-of-way on three sides and the vacation of the right-of-way would facilitate planned improvements on the property. She said that the Planning Commission recommended approval of the request.

At 7:39 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening s second

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public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 23, and Monday, September 30, 2002.

NOTICE OF INTENTION TO VACATE

**A PORTION OF BEECH STREET
IN THE CITY OF HARRISONBURG**

City Council Chambers

Tuesday, October 8, 2002

7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, October 8, 2002, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Trinity Presbyterian Church to close a portion of Beech Street.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Council

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

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

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request by John Devine to rezone a 6,950 square foot lot from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. She explained that the property is located at 590 East Market Street. The Comprehensive Plan's Land Use Guide designates this property as Professional. This classification is intended for professional service oriented uses with consideration to the character of the area. She reviewed the surrounding uses in the area. The purpose of the R-3 district is for medium to high-density residential uses 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. Several structures along the major thoroughfare of East Market Street have been rezoned to R-3 Conditional in recent years. Mr. Devine has proffered that the property would only be used for any use permitted in the R-1 or R-2 zoning district. He intends to use the building for his office. Because this would be a professional use in an area with some residential homes, the applicant has also proffered that business conducted with customers will be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday. The office will be closed on Sundays. Further proffers for this property include that the driveway entering from East Market Street would be clearly marked as one-way. Vehicles entering the property will then pull into diagonal parking spaces located in the rear of property. When exiting the property, vehicles will back up and continue down the driveway to the privately maintained Elizabeth Street. Staff has explained to Mr. Devine that the City does not provide service down this section of Elizabeth Street and care of the alley is the adjoining property owner's responsibility. Mr. Devine has proffered to clearly mark the new traffic pattern. Buffering along northern and eastern sides of the property has also been addressed. The applicant has proffered to plant Leland Cyprus trees every five feet on center to provide a shielding from the parking area and headlights. She said that the Planning Commission recommended approval of the request.

At 7:45 p.m., Mayor Fitzgerald 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, September 23, and Monday, September 30, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold a public hearing on Tuesday, October 8, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING John Devine

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Public hearing to consider a request by John Devine to rezone a 6,950 square foot lot from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property can be found on tax map 33-V-4 and is located at 590 East Market Street.

The Comprehensive Plan designates this area as Professional. These areas are designated for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District.

The Zoning Ordinance states that the current R-2, Residential District is intended for medium-density, single-family and two-family residential development. While the requested 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-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit and for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; 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 this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

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Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent None

Council Member Peterson introduced a request to amend the City Charter. He explained that currently if a council member dies or resigns, the other members appoint someone to fill the remainder of the council member's term. He proposed amending the City Charter to read that if the person resigns when there is more than two years, one hundred and fifty days remaining in the vacated term then the vacated seat shall be included on the ballot at the next regularly scheduled council election.

At 7:50 p.m., Mayor Fitzgerald 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 Saturday, September 28, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 8, 2002, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider the following.

An amendment to the City Charter providing that, should someone be appointed to fill a vacancy on City Council, and there are more than two years, one hundred and fifty days remaining in the vacated term, then the vacated seat shall be included on the ballot at the next regularly scheduled council election along with other seats normally scheduled for election, and the candidate receiving the most votes after the seats normally scheduled for election are filled shall serve in the vacated seat for the remainder of the original term.

All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against this proposal.

Ben Fordney, a resident of 1126 Chestnut Drive, said that he would like to speak in favor of the amendment to change the charter of the City of Harrisonburg that would provide for a person who has been appointed to a vacant Council seat for more than half of the vacated term would be required to run in the next municipal election.

Mr. Fordney stated, This question you are discussing tonight involves the issue of the right of the voters of the City to decide who will represent them. If a person is appointed by this council to fill an unexpired term, it is theoretically possible for that person to serve a large percentage of that term, depending on when the council member resigns.

That person, no matter how long he or she serves has not been elected by the voters of this City. You would be acting on their behalf. I believe that all members of City Council should be elected by the people. A person who is serving by council appointment should run for election at the earliest possible opportunity. That person will be voting on issues affecting our community and should serve with the approval of the voters. I know that Councilmen Lantz and Rogers are concerned about experience and continuity. It is theoretically possible that four council seats could be open in a single election. Of course one way to solve this problem would be to expand the number of council members, but of course the door has been slammed shut on any revision of the charter to change council membership. In any case, I think fresh thinking by a new council member is not necessarily a bad thing. We all owe you our thanks for the time you put in, as council members, but isn't it true that much of what you decide is based on staff recommendations? Isn't judgment what is really required?

I understand that Rockingham County has a different procedure for appointed supervisors. I believe a person so appointed is up for election at the next election after appointment. I wonder if the county policy is more consistent with the Code of Virginia and perhaps Mr. Miller can address that point this evening. I am not saying that Harrisonburg is in violation of the code. I raise it only as a possibility.

We are really looking at a question that will arise very infrequently. I understand there have been only two occasions in the last twenty years when appointments have been made after a resignation. Let's look at the principle rather than the effect of a remote possibility.

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

I urge you to consider the right of the voters when you consider this question. Thomas Jefferson said I am not one to fear the people. I hope that spirit will prevail this evening.

Bucky Berry, a resident of 877 North Main Street, suggested that Council Members should have some experience.

There being no others desiring to be heard, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened.

The following discussion by Council Members relative to the charter amendment included concern with the proposal because appointees could serve up to four years, possibility of having four new Council Members at once, City could suffer from a lack of experience and continuity, could create the possibility of rapid turnover, Rockingham County elects members by district, Harrisonburg elects at-large, and a change should only be made to the charter if it would be an improvement to the current system. Vice-Mayor Rogers offered a motion to table this proposal indefinitely. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

 Council Member Peterson

 Council Member Lantz

 Mayor Fitzgerald

 No - Council Member Frank

 Absent None

City Treasurer Neal presented a request to amend Sections 12-1-4, 4-2-92, and 4-1-30 of the Harrisonburg City Code. She explained that currently the first two changes would address the willful non-compliance of the Business License Tax and the Meals Tax. The third change would address the

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

allowance for Third Party collections for delinquent personal property taxes, miscellaneous receivables and other debts owed to the City. She said that for the business license tax she was referencing Section 12-1-3 of the City Code and explained that a brief interpretation of the code states that it is illegal to operate a business within the City without a business license. She said that currently the only repercussions to people/businesses who do not comply with the license requirements are that penalties and interests are added. Mrs. Neal said that she can take the businesses to court to obtain a judgment, but it is a lengthy process. By the time the collection action takes place, almost half of the businesses are no longer operating and the case is non-suited. The City loses the revenue that should have been paid upon submitting the application for the business license. The City has \$107,211 in outstanding debt in business licenses. The City collected over \$4 million in business licenses during July 1, 2001 and June 30, 2002. She said, It is a small amount compared to what the City collected for the fiscal year. The majority of the businesses within the City do comply with the law and it is not fair to all the people in compliance to allow these businesses to operate without a business license. Mrs. Neal said that she was taking 68 businesses to court in November for non-compliance. The proposed change is that if the business license tax is not paid within 90 days of origination of license by the Commissioner of the Revenue, and is determined to be the fault of the taxpayer, the Treasurer shall notify the business of their non-compliance by letter and phone using the address(s) and phone number(s) provided by the business, to inform said business that unless payment is made in full within 15 (fifteen) days of notification, the business shall be restricted by the installation of a padlock or other restrictive deterrent by the Harrisonburg Police Department and signage shall be posted as to the reason for the closing. Upon payment of the business license in full, bringing said business into compliance, the padlock shall be removed and the business can then resume.

Mrs. Neal said that she was proposing a similar change to the meals tax referenced Section 4-2-88 of the City Code and explained that a brief interpretation of the code states that all tax collection shall be deemed to be held in trust for the City. The City has \$42,854 in outstanding debt in meals tax. Between July 1, 2001 and June 30, 2002 the City collected almost \$5 million in meals tax. Currently businesses who file yet fail to pay the monies collected for the meals tax are allowed to file month after month with no serious repercussions. The proposed change states that if said tax shall remain unpaid for a period of two months from the date the same is due and payable, the collector of said tax for the City, the City Treasurer, shall cause the restriction of business operations by installation of a padlock or other restraining device on the place of business by the Harrisonburg Police Department and the placement of signage as to the reason for the closure. Upon payment of said tax held in trust by the City of Harrisonburg, the restraining device shall be removed and business can resume.

The last proposed change to the collection procedure would allow for third party collections. This is for the purpose of collecting personal property taxes, miscellaneous receipts, and other debt to the City of Harrisonburg. This is in addition to the current methods. This would allow third party collections and any associated fees to the collection agency. The benefit of hiring a collection agency is that the agency has a more expansive search capability throughout the United States. It would be an enhancement to the City's current method and would help to reduce the amount of delinquencies on the books. She said that she was limited to discovery only within the state of Virginia. The City has \$1,055,457 in outstanding debt between the years of 1997 and 2001 in personal property taxes. The collection agency has stated that it could collect a third more tax in addition to resolving approximately 35% in abatement. It should reduce the outstanding balance to \$344,000, which would be a tremendous benefit to the City.

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

Council Member Peterson questioned the language of the third proposed change which states the City can use garnishment and third party collection and associated costs as provided by state law. Mrs. Neal said the collection agency she is currently reviewing does attach a 20% fee to the tax penalty and interest currently owed to the City. The City would receive all tax, penalty and interest and the delinquent taxpayer would be responsible for the 20% fee charged by the agency. Mrs. Neal said, It is a win-win situation for the City.

City Attorney Miller clarified that the City Treasurer was trying to collect the cost of collection.

Mrs. Neal noted that the Virginia Tax Code permits the Treasurer to add \$20.00 administrative fee and 20% to the debtors account. She reiterated that the majority of businesses in the City are in compliance.

Some discussion by Council Members relative to the amendments included padlocking a business before the court gets involved, whether 15 days of notification was enough time, burden of going to court on the City, increasing what the City can do once going to court, costing the taxpayers money to take businesses to court, extending a policing power to tax collection, uncollected taxes and forgiven debt forgiven, and using legal means to tighten the control.

Vice-Mayor Rogers offered a motion to amend and re-enact Section 12-1-4, 4-2-92, and 4-1-30 of the Harrisonburg City Code for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

No - Mayor Fitzgerald

Absent - None

Jenny Brockwell, Community Affairs Chairperson of the JMU Student Government Association, said that the committee's purpose is to strengthen the relationship between Harrisonburg and James Madison University through opening the lines of communication and developing a working relationship. Ms. Brockwell

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

introduced several members of the committee. She said, We need you and you need us. We need each other to improve our relationship. Communications between Harrisonburg and JMU could include having students sit on community committees, having City officials speak to the student senate, getting the Daily News-Record on campus, and having The Breeze delivered to City officials. The biggest way to improve the relationship is through better communication. Mayor Fitzgerald acknowledged that James Madison students make a large contribution to the community. A large number of students serve in the Rescue Squad and participate in the Big Brothers/Big Sisters programs.

City Manager Baker presented a request to transfer funds to the Social Services Department. He explained that the foster care caseloads at the Social Services Department have increased tremendously this year and additional funding is needed for two new positions. Social Services Director Driver came to the podium and said that the agency has reviewed costs associated with the creation of these two positions, reviewed the existing FY 2003 budget, de-obligated funds associated with the two positions, and restructured funding through the IV-E program. By adjusting the current budget to reflect various expenditure changes to date, the cost associated with the new positions will require a supplemental appropriation of IV-E funding of \$51,777. Local funding in the amount of \$6,901 will be the required. Harrisonburg s share will be \$4,123 and Rockingham County s share will be \$2,778. Council Member Peterson offered a motion to transfer these funds:

\$4,123.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$4,123.00 approp. to: 1000-910511-47071 Expenditure of Social Service District

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent - None

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

Public Works Director Baker presented a request for a supplemental appropriation for the Public Works Department. He explained that these funds would be used for the installation of a pedestrian crossing walk light at the intersection of Port Republic Road and Devon Lane. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$2,000.00 chge. to: 1000-31809 Donations

516.73 chge. to: 1000-31901 Recoveries & Rebates

\$2,000.00 approp. to: 1000-410741-46070 Repair & Maintenance Supplies

516.73 approp. to: 1000-410241-43330 Maint. & Repairs/Machinery & Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Mayor Fitzgerald

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used for additional training for investigators. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$2,800.00 chge. to: 1000-31010 Amount from fund balance

\$2,800.00 approp. to: 1000-310331-45530 Training/Travel

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The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
 Vice-Mayor Rogers
 Council Member Peterson
 Council Member Lantz
 Mayor Fitzgerald

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a Weed and Seed Mini Grant Program and would be used for interpreter fees. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$2,784.64 chge. to: 1000-31901 Recoveries & Rebates

\$ 193.75 approp. to: 1000-310231-43100 Professional Services

2,590.89 approp. to: 1000-310431-46140 Other operating supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
 Vice-Mayor Rogers
 Council Member Peterson
 Council Member Lantz
 Mayor Fitzgerald

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Absent - None

Bucky Berry, a resident of 877 North Main Street, complained about the delay on the bridge repair on North Main Street.

Public Works Director Baker announced that the deck has been poured and is complete on the North Main Street bridge repair. The street should be open to two-way traffic on October 18, 2002. The contractor has also advised that the bridge repair work will be completed by November 1, 2002. Following further discussion and comments, Vice-Mayor Rogers offered a motion to direct City staff to present a report to City Council at the conclusion of the project. The motion was approved with a unanimous vote of Council.

Public Works Director Baker introduced Andrew Williams, Transportation Planner, for the City. Mr. Baker said that some of Mr. Williams's responsibilities would include conducting meetings with neighborhood groups to discuss traffic issues. A neighborhood meeting with the Pleasant Hill Acres neighborhood was held on Tuesday, October 1, 2002 to discuss traffic related issues. Approximately 30 residents attended the meeting and expressed concern with the number of vehicles on Central Avenue between Pleasant Hill Road and South Avenue and the speed of those vehicles. Most citizens agreed that Central Avenue supports a high volume of traffic, as it is a collector street. It was noted there is cut-through traffic along Central Avenue as there is limited east-west access from Main Street to High Street and vice-versa. As speeding was the number one issue a number of possible solutions were presented at the meeting. One option is to continue a double yellow line from South Avenue to Pleasant Hill Road plus add a white edge line on each side of the travel lanes. This would permit 10 feet travel lanes. The remaining 10 feet space from the edge line to the face of the curb would be used for parking, pedestrians and bicyclists. Narrowing traffic lanes have been effective in slowing traffic in other locations. He also said that consideration is being given to installing signs at the above intersections that will advise motorist to use South Avenue and Pleasant Hill Road as the east/west connector in lieu of Central Avenue. The City will continue to work with the neighborhood group in reviewing ideas that may result in a safer neighborhood.

Council Member Frank said that she had received a telephone call questioning what happened to the welcome sign listing civic organizations. The sign was on the corner of Vine Street and East Market Street. The sign was removed when construction began on a new building on the site. City Council agreed to refer a request to City staff for a recommendation for a location to erect a new welcome sign.

Council Member Lantz offered a motion to appoint a new Advisory Board for the Emergency Communication Center comprised of the Harrisonburg and Rockingham County Fire Chiefs, Harrisonburg Police Chief, Rockingham County Sheriff, and a representative of the rescue and fire volunteers. City Manager Roger Baker and County Administrator Bill O'Brien will also serve as the policy board for the Emergency Communication Center. The motion was approved with a unanimous vote of Council.

MINTUES - REGULAR MEETING OF CITY COUNCIL - OCTOBER 8, 2002

At 9:30 p.m., Council Member Peterson offered a motion that Council enter a closed session for the discussion of matters related to the transfer of real property. A closed session is permissible for this pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the Code). In addition, the purpose of the closed session is for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the City Council, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code).

At 11:04 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by the City Council.

At 11:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

MINUTES - SPECIAL MEETING OF CITY COUNCIL - OCTOBER 29, 2002

SPECIAL MEETING

OCTOBER 29, 2002

At a special meeting of the City Council and Harrisonburg City School Board 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; and Council Members Carolyn W. Frank, Dorn W. Peterson, and Hugh J. Lantz. School Board members and administrative staff present included: Greg Coffman, Tim Lacey, Jean Gearing, Dr. Cathy Slusher, Tom Mendez, Dr. Donald Ford and Lisa Lantz.

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

Mayor Fitzgerald introduced a request by the American Legion for permission to hold a Veterans Day parade on Sunday, November 10, 2002. The proper application forms have been submitted and the parade route approved by the Police Department and Public Works. Council Member Lantz offered a motion to approve the request and the motion was unanimously approved.

Discussion then moved to the School Boards long-range construction planning. Mr. Coffman reviewed the public input process to date and noted that December 17, 2002 was the tentative date for the decision on which option they would recommend to Council. This date could be moved back. It was noted that attendance at the public input meetings had not been as good as hoped for.

Council Member Lantz asked what the general sentiment had been at the meetings that had been held to date. Mr. Coffman stated that the consensus seemed to be that the grade configurations should stay as they are. There were varied responses to the other configurations and no clear compromise position. Option 4 probably received the most opposition. Mr. Lacey stated that there was strong support at the meetings for maintaining the K-5 configuration but no clear second choice. Mr. Coffman noted that parents wanted as few transitions for their children as possible. Mr. Mendez stated that a lot of parents were not interested in any compromise, they wanted the best decision for the kids made and the best school system possible.

The impact of ESL requirements on school space needs was briefly discussed. ESL students now make up about 30% of the student population. Dr. Slusher mentioned the need to look at alternative ways to address this situation such as establishing an intake center with a 6 - 8 week program. Staffing and space

MINUTES - SPECIAL MEETING OF CITY COUNCIL - OCTOBER 29, 2002

needs will continue to be an issue.

Mr. Mendez reported that we now have 4,024 students enrolled in our system and may reach 4,100 by the end of the school year. Mr. Lacey stated that we need to take another look at our overall population projections as well as our school projections. Where will the city be at build out and what can we expect as older student housing is converted to family units?

Mayor Fitzgerald noted that we are about to begin updating our Comprehensive Plan and that those issues will certainly be discussed and addressed. Council Member Peterson stated that we probably need to look into these things before completing the Comprehensive Plan.

Council Member Lantz stated that while the current grade configuration may be the most popular, we need to look at the most efficient as well. There are two sets of constituents, those with kids who want the best possible school system and those who don't have kids in the system and want their taxes to stay low while still providing a good system. He noted that input so far on the configuration options was probably from those who have a direct interest in the school system and that if the City Council held public hearings on the issue there would likely be people who don't want to spend another \$20 million on schools. Mr. Lacey pointed out that it wasn't just a matter of building the schools, but also operating and maintaining them.

Council Member Peterson questioned the differences in the staffing costs among the various configurations and asked for additional information explaining the differences. Dr. Ford gave a brief overview of the differences and advised that the information is available in greater detail at the School Board offices.

Mayor Fitzgerald then asked what the next step is in the process. How do we strike a balance between School needs and the overall needs of the City?

Mr. Coffman stated that the School Board will deliberate over the next two months and make a recommendation to the City Council. Dr. Slusher noted that the Board will try to eliminate some of the options and then get back with the Council for more input before a decision is made. Council Member Lantz stated that Council Member Peterson had made a good point in questioning the operational, staffing and annual costs of the various options. Those costs may be more important in making a final decision than the up-front construction cost of a particular option.

Discussion ended on the K-8 planning process and Mr. Lacey then gave an update on the construction progress of the new high school. Other than interruptions due to rain, site work is going well and the financial outlook for the project is still good. Mayor Fitzgerald noted that it appeared the new football and baseball

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stadiums will remain part of the project, as it appeared to be cost effective to do so. Council Member Frank asked for an explanation as to how this was cost effective. Mr. Lacey explained that everything would be on one site, there would be less busing involved in transporting students from the new site to the old stadiums, and the facilities at both sites would actually be needed to support the various athletic programs. The new facilities would also be built to the new code standards and would be a crown jewel for the city.

The next agenda item concerned budget issues and the impact of the state budget cuts. Mr. Coffman noted that in preparing next year's budget, school staff had been instructed to program a 0% increase in their budget submittals. Dr. Ford reported that no information had been received from Richmond yet; the school system has been spared to date.

Mayor Fitzgerald raised the issue of establishing a funding formula, which would specify how funds would be allocated to the School Board on an annual basis. Is this something the council and board would be interested in looking at? Would this provide any sense of stability?

Mr. Coffman stated that given the special needs issues that the Board continues to have to deal with, it may make it difficult to be able to commit to a specific formula. Growth and demographic changes would also make it difficult for this Board to commit future boards to a formula. Mr. Lacey said he would prefer to maintain and improve open communications with the City Council and dealing with the budget.

The next item of discussion was on the development of a policy addressing the School Boards unappropriated fund balance. Mr. Coffman stated that the Board would like to maintain at least 1% of their budget as an unappropriated fund balance and noted that the Board has had to draw from that balance in past years. Dr. Ford reported that the current fund balance amount is \$1.2 million, of which \$500,000 has been set aside in case it is needed for the high school project. The fund balance can be reduced by the Council through the budget process by allocating less than the School Board is requesting and allowing the difference to be made up from the fund balance.

Strengthening School Board City Council communication was the next agenda topic. It was suggested that a meeting between the two bodies be scheduled in any months that have five Tuesdays (except December). Mayor Fitzgerald noted that he met on a periodic basis with some of the School Board members and suggested consideration of a buddy system in which School Board and City Council members agree to meet with each other intermittently to foster better communication and understanding of each others roles and responsibilities. Mr. Lacey stated that at the least he would like to see the liaison committee meet more frequently.

The next agenda item was a discussion of legislative issues. No particular legislation was discussed, but it was noted that currently at least 38 different languages were spoken in the school system and we need to do anything we can to encourage greater support for ESL funding and assistance from the state.

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Both bodies then tentatively agreed to a January meeting, although no date was set, and the meeting is dependent upon the School Board being ready to make a K-8 configuration recommendation to the Council. Council Member Lantz commended the School Board on their planning efforts to date.

There being no further business, the meeting was adjourned at 9:25 p.m. on a motion by Council Member Peterson which was adopted unanimously.

CITY CLERK

MAYOR

MINUTES - REGULAR MEETING OF CITY COUNCIL - NOVEMBER 12, 2002

REGULAR MEETING

NOVEMBER 12, 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 Chief of Police Donald Harper.

Council Member Frank 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 and Public Works Department and amending and re-enacting Section 12-1-4(f), 4-2-92(e), and 4-1-30 of Harrisonburg City Code. The motion also included referring closing a portion of a street to the Planning Commission and the second reading of a rezoning request by John Devine. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request by Nuanta Warechatchai to rezone a 0.309-acre portion of tax map parcel from R-1, Single-Family Residential District

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to B-2C, General Business District (conditional). The site is located at 923 South High Street. The Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of one to four units per acre. Low-density sections are found mainly in well-established neighborhoods and designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership. Mrs. Turner reviewed the surrounding uses in the area. She said that the applicant has proposed the construction of a 6,300 square foot building to house her expanded Oriental Food Market. She wanted to expand on tax map parcel 19-C-10, but because of her desire for a large structure, she was not able to provide the required parking on the existing lot. Moving the zoning and lot line back allows the applicant to provide adequate parking, while also allowing more open space between the proposed building and the new rear property line. In an effort to prevent highly intense or disruptive uses on the property the applicant has proffered uses limited to mercantile establishments, personal service establishments, restaurants and other shops and stores customary to shopping centers, general service or repair shops, warehousing and other storage facilities with floor area limited to twenty thousand square feet, plant nurseries, public uses, and accessory buildings and uses customarily incidental to any of the above listed uses. Furthermore, the applicant has opted to retain the special use provision that is permitted in the B-2 zoning that would allow her to apply to reduce the required side yard setback to zero feet along the lot lines of an adjoining parcels that are zoned B-2 or M-1. The applicant has proffered to restrict the placement of any dumpster to the front portion of the property currently zoned B-2. This will prevent additional disturbance at the rear of the property from occurring. The hours of operation have been limited to 7:00 a.m. through 11:00 p.m., seven days a week. The final proffer states that no public street connection will be made between Neyland Drive and the existing entrance on South High Street. Buffering the parcel from adjoining neighbors through landscaping has also been addressed. The applicant has proffered to plant Leland Cyprus trees every five feet on center and at a height of four feet at the time of planting to provide a screen along the northern and eastern property lines of the requested conditionally rezoned area. A privacy fence will be constructed at a height of six feet along the north-east property line of the parcel to provide screening between the R-1 zoned homes along Sunrise Avenue. The fence is to connect with the north-east wall of the new structure on the rear of the property and run the length of the property line to connect with the corner of the existing building fronting on South High Street. No plantings shall be required where the fence is present. She said that Planning Commission recommended approval of the request.

At 7:45 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 28, and Monday, November 4, 2002.

Notice Of Public Hearing

The Harrisonburg City Council will hold a public hearing on Tuesday, November 12, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING Wareechatchai

-

Public hearing to consider a request by Nuanta Wareechatchai to rezone a 0.309 acre portion of tax map parcel 19-C-12 (923 South High Street) from R-1, Single-Family Residential District to B-2C, General Business District (conditional).

The Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft. minimum. The B-2, General Business District is intended to provide 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.

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

Cy Khochareun, part owner of the family business, said that for the past thirteen years he and his family have been in business on South High Street. He said his family has tried to renovate the property making the business attractive to the location.

Dick Blackwell, Engineer with Blackwell Engineering and representing the applicant presented an overview of the project. He also reviewed the proffers submitted by the applicant at the Planning Commission meeting.

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Paul Campise, a resident of 331 Sunrise Avenue, said that he has known the applicants for over ten years. Before they owned the property, the area was in a state of disarray with lots of trash and people used the property to hang out and drink. The Warechatchai family has made drastic improvements to the property. For years this family has done everything the City has asked of them. As a neighbor, he is happy to have this family running their business on this property. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

City Council agreed to schedule a public hearing to review the Capital Improvement Program (CIP) on December 10, 2002.

City Manager Baker presented a request to transfer funds toward the construction of a new SPCA facility. These funds will be taken from the Capital Project Fund - Public Safety Facility. Council Member Peterson offered a motion to transfer these funds:

\$500,000 chge. to: 1000-34291 Transfer from General Capital Projects

\$500,000 approp. to: 1000-350131-45657 SPCA

\$500,000 chge. to: 1310-910141-48606 Public Safety Building

\$500,000 approp. to: 1310-910141-49212 Transfer to General Fund

The recorded roll call vote was taken as follows:

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Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

City Manager Baker presented a recommendation from the Transportation Safety Committee regarding safety concerns expressed by Myers Avenue residents at the September 10th City Council meeting. He said that the Transportation Safety Commission recommended that No Parking At Any Time signs be installed on the West side of Myers Avenue from Franklin Street to Mt. View Drive. Council Member Frank offered a motion to install these signs. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request from the Downtown Harrisonburg Merchants Association. He explained that the association has requested financial assistance in purchasing banners for 41 new brackets in the downtown area. Council Members questioned the cost associated with the banners and suggested that the Downtown Harrisonburg Merchants Association discuss this project with the Arts Council. It was also questioned how these decorations would fit in with other decorations in the downtown area. Council Members agreed to ask the Downtown Harrisonburg Merchants Association to speak with the Arts Council and perhaps provide more information concerning costs of the banners at a later Council meeting.

Council Member Peterson requested the unanimous consent of Council to change the agenda by adding that Harrisonburg will remove the voluntary water restrictions established September 10, 2002. The motion was approved with a unanimous vote of Council.

Public Utilities Director Collins presented a brief overview of the City's water needs at build-out. He said that the City's current Comprehensive Plan was adopted in 1991. The Public Utilities Department is currently under construction contract arrangements to expand its Water Treatment Plant capacity to 15 million gallons per day. The project is expected to be completed in 2004. A sister project will be completed in 2006 and will provide raw water supply from the Shenandoah River. Upon completion of both projects, the City's water system should be at 15 mgd capacity. He reviewed the ultimate demand of the City's water supply in comparison to the recent expansion. He said that the Community Development Department provided data for developed and undeveloped land acreage for all zoning classifications as existed at the end of fiscal year 2002. Mr. Collins reviewed the information showing a correlation among user groups, zoning classifications

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and water consumptions. The report also provided itemization of 6.94 mgd water consumption throughout 5,720 acres of developed land within the City.

The following discussion by Council Members relative to the City's water needs at build-out included whether a commercial establishment or a multi-use residential establishment uses more water, changing uses could require restructuring of billing department, permit issued for justification of water need, future industrial development, and current trend has been that the City has lost more industries than it has gained.

Public Utilities Director Mike Collins asked Council to consider a dilemma the City experiences when serving Rockingham County customers because of the water and sewer moratorium. He said that the City has been constructing water lines along U.S. Route 33 corridor since 1898. He frequently receives requests to provide water to property owners who are providing easements across their property. He asked Council to take into consideration that if an easement is granted across a Rockingham County property owner, perhaps that property owner could be exempt from the moratorium. Since these property owners have worked with the City by providing easements across their property, it would be a respectful thing to do. However, the current City ordinance states that if a single family home was platted after November 1, 1992, the City cannot provide water. Mr. Collins suggested that Council consider exempting these property owners and changing the needed language to clean up the easements. He also reviewed other restrictions controlled by Rockingham County subdivision ordinances. He suggested that he and City Attorney Miller work together regarding exemptions from the moratorium.

Following further discussion and comments, Council requested that Mr. Collins present a recommendation for Council's consideration at a later meeting regarding lifting moratorium exemptions outside the City.

Mayor Fitzgerald presented a suggestion to give a tax incentive to property owners who convert rental units to single-family homes. Under the proposal, the City would freeze assessments for five years on converted property. Any increase in the assessment would then be phased in over several years. Freezing a property's assessment could save the owner thousands of dollars over a five-year period. He said, "The incentive I am proposing would hopefully encourage homeowners to fix up and return some of these homes to single-family use without worrying about their taxes going up." City Manager Baker offered a word of caution saying that City Attorney Miller should review this proposal very closely because if the City does not assess at 100% of market value the City could lose ABC funds. Council agreed to refer the proposal to City staff for a report with recommendations to be presented at a future Council meeting.

Council Member Peterson presented for Council's consideration amending and re-enacting sub-Section 6-2-6, Section 6-2-2, Section 16-10-6, and re-enacting Section 15-3-2 of the Harrisonburg City Code. He explained that for several months a committee of citizens has been working with staff members on possible changes to the various nuisance ordinances. One of the principle nuisances that causes friction in residential areas is excess noise. A proposed change in the noise ordinance would include that no person shall, knowingly or unknowingly, expose another person to any irritating, distracting, physically or emotionally harmful, unreasonably loud, disturbing or unnecessary noise, over which the other person has no control. He

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said that for the first offense of causing excess noise, a person would be charged with a Class 3 misdemeanor and sentenced according to state law and City Council is recommending the sentence should include 50 hours of community service. For each subsequent conviction of a violation of this Section within three years, the defendant shall be convicted of a Class 1 misdemeanor and sentenced according to state law in the discretion of the court and City Council is recommending that the sentence include 100 hours of community service. These are the changes being recommended for definition in the noise ordinance and the penalties for someone violating the ordinance. The committee is also suggesting amending the City Code by imposing a fee on landlords who have tenants that continually violate the noise ordinances. If within the space of two years there are three summonses issued to a specific resident for excess noise, the City would charge the owner of the property a nuisance fee of \$1,000. However, the owner or operator of the residential rental property shall not be subject to such nuisance fee if 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 summonses have been issued within a one year period for violations occurring at the residential rental property in question and any one tenant living in that rental property has been a tenant for the entire year. He said, Landlords have an obligation to neighbors to supervise their tenants. The committee unanimously recommended these ordinance changes.

The following discussion by Council Members relative to the proposed changes included who will receive the summons tenant or landlord, extra work for the Police Department, problems addressed through this provision, whether landlords could be fined after evicting violating tenants, some landlords doing better job of screening tenants, how you establish whether landlords are trying to evict tenants, concerns that wording of the ordinances puts Council into a judicial role rather than a legislative function of the government, and perhaps the wording should state that the fine has an automatic right to appeal to City Council. Following further discussion and comments, Council Member Lantz offered a motion to approve amending these ordinances for a first reading. The motion also included directing City Attorney Miller to redraft the documents with the modifications suggested by City Council before a second reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Mayor Fitzgerald led a discussion concerning two full-page ads placed in the Daily News-Record on October 26th urging people to vote in favor of the parks and education bonds referendum on the November 5 ballot.

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He said two issues of concern to some Council Members were that the ads were placed in the paper and it was the first time they were aware of the ads. He said, A government body should not be spending taxpayer money to tell people how to vote. Encouraging people to vote is one thing, but lobbying for a particular outcome; however, is quite another. It should not have been done. It was a bad call.

Council Member Peterson questioned why the ads were placed in the paper without discussing the issue with City Council. He said City Council voted unanimously to support the bond issues, but placing the ads in the newspaper could be characterized as being a political decision and political decisions are reserved solely for Council. I am opposed to paying for the ads.

Council Member Frank said, I was shocked to see the ads in the paper. I was told a decision was made at the City/County Liaison meeting. I am opposed to paying for the ads with taxpayers money.

Mayor Fitzgerald reiterated that taxpayer s money should not be spent telling people how to vote. He said, I am concerned about the way it happened. He questioned the cost of the ad and compared it with the real estate taxes he has paid while being on City Council. He said, Nobody asked me about it, nobody told me about it, and nobody gave me the opportunity to comment on it and I am the Mayor. I have to wonder how some of the other folks out there felt when they saw that the City had spent that much money to tell them how to vote. He reiterated that it should not have been done. Taking out the ad was a bad call and the process by which it happened was faulted because three Council Members found out about something this unusual, this extraordinary by seeing it in the paper. I don t have any particular suggestion about how to avoid this in the future other than for Council Members to let it be known in the strongest terms that when something this extraordinary happens that we should know about it in advance.

City Manager Baker responded by saying it was suggested placing the ad in the paper at the end of the City/County Liaison Committee meeting. He said, Mr. O Brien said he would prepare the ads, and we agreed that the City would split the cost. In 25 years of City government, I have found it is not unusual for a local government to advertise voting for bonds. They have done it in other localities. He also said that the Council had unanimously voted to support the bond referendums at a meeting in the summer.

Vice-Mayor Rogers said, I also did not know about the ads, so there were four Council Members not three who did not know. He also questioned whether legally the City was responsible for paying for the ad.

City Attorney Miller said, Part of the legal difficulty with this issue is the lack of statutory authorization to do ads like this. He further clarified that he could not find any authorization in the state code for this expenditure. I am not saying it is illegal, I cannot find any justification to say that it is legal. The City should be uncomfortable at spending public funds to advocate a particular manner of voting. I do not have any problem from a legal prospective with Council passing the resolution, but there is a big difference with Council making a political legislative statement and spending taxpayer dollars to then advocate a particular

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outcome in a vote. The state law covering taxpayer funded political ads is somewhat ambiguous. Virginia allows a local governing body to spend public funds on ads explaining the details of an upcoming referendum, as long as it does not present arguments by either proponents or opponents of the proposal. If that were all there was to it, the ads clearly violated state law.

Warren Dillenbeck, a resident of 1121 South Dogwood Drive, said that \$1,700 out of the total budget is a very small amount; however, it is a very important issue because it is taxpayer's money. The ads placed in the newspaper had no significant impact on the outcome of the bond vote. When you analyzed how the vote went statewide, whether ads had been placed or not been placed, it didn't change the outcome of the election. Free elections are a sacred issue in our democracy. It is very important for government not to influence elections. An election is an election and government should not touch that process. I think that the City and County owe the citizens of this community an apology. They owe the citizens an acknowledgement that it was in error and inappropriate.

Council Member Peterson offered a motion that it is not policy of this Council to support one side or another of a partisan issue to advertise for a direct yes or no vote on any issue in the state. The motion was approved with a three to two vote with Vice-Mayor Rogers and Council Member Lantz voting no.

Council Member Peterson offered a motion to withhold payment for the ads in the Daily News-Record. Following further discussion and comments, Council Member Peterson withdrew his motion to withhold payment.

Assistant City Manager Hodgen said that it was unfair for City Manager Baker to take the full blame of the decision. He said, I saw the advertisement before Roger did. Based on my experience previously in Botetourt County, we were given direction by our Board of Supervisors to actively promote the passage of a \$20 million bond issue. Maybe incorrectly I put this in the same classification as that situation, but the thought did not occur to me to suggest to Roger that we contact each Council Member individually before we placed the ad. There is blame to be shared if there is blame that needs to be placed.

Council Member Lantz said that it is very unfair to blame Roger Baker because, I encouraged it. I didn't see it as a problem. Had we not voted unanimously not to endorse the resolution and then the ad was run, it would have been a different situation. Roger was just acting in an administrator capacity trying to do what the desires of the Council were. I didn't see the need to call anybody. I didn't see it as a big issue.

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

Resolution Endorsing the Establishment of the

Harrisonburg Metropolitan Planning Organization

WHEREAS, pursuant to the 2000 decennial census, the Harrisonburg region, including the City of Harrisonburg, the Towns of Dayton and Bridgewater and the surrounding Rockingham County area has been designated as an urbanized area; and

WHEREAS, the State is required to designate the region as a Metropolitan Planning Organization (MPO); and

WHEREAS, the City Council of the City of Harrisonburg desires to support the Harrisonburg MPO to evaluate regional transportation needs and any requirements under the Clean Air Act; and

WHEREAS, the City Council desires to work in conjunction with Rockingham County, and the Towns of Dayton and Bridgewater to establish the Harrisonburg MPO.

NOW, THEREFORE, BE IT RESOLVED, that the Harrisonburg City Council does hereby endorse the establishment of the Harrisonburg MPO this 12th day of November, 2002.

Date

Joseph Gus Fitzgerald, Mayor

Attest:

Yvonne Ryan, CMC, City Clerk

City Manager Baker explained that 2000 census has 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. The area is eligible for MPO status because it has more than 50,000 people. It is estimated that approximately \$110,000 in Federal funding will be made

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available for planning purposes on an annual basis, with a 10% local match required. He said that if the MPO was not established, the localities designated as the metropolitan area will not be eligible to receive Federal funding on any roads projects. The resolution endorses the establishment of the Harrisonburg Metropolitan Planning Organization. The next step will be determining the composition of the MPO Board. Council Member Lantz offered a motion to approve this resolution. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented for Council's consideration an application from Kathy Keith of Valley Transportation Service, Inc. for a Certificate of Public Convenience and Necessity to operate a taxicab business. He explained that the Police Department has conducted an investigation in accordance to City Code Section 14-1-1. Police Chief Harper recommended that the application be approved. Council Member Lantz offered a motion to approve the application and issue a Certificate of Public Convenience & Necessity for Travel Mates. The motion was approved with a unanimous vote of Council.

Mayor Fitzgerald presented a request to change the composition of the Parks and Recreation Advisory Commission. He explained that the City Code calls for a commissioner from each precinct in the City. At the time this code section was adopted, there were four precincts. Following the 2000 Census, one additional precinct was created, making five precincts. Following further discussion and comments, Council Member Lantz offered a motion that the new composition of the Parks and Recreation Commission be composed of four members from the East-voting ward and two members from the West-voting ward for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent - None

City Manager Baker presented a certified receipt of 2002 government election results provided by the Electoral Board.

United States Senate

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John W. Warner	3528
Jacob G. Hornberger, Jr.	356
Nancy B. Spannaus	537

House of Representatives

R. W. Bob Goodlatte	3650
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Council Member Lantz offered a motion that the Council 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.

Business and Finance Director Triplett presented a request for a supplemental appropriation for the School Board. These funds represent unanticipated receipts from the Federal government that were not known during the budget process. No additional City dollars are required from City Council for the school division to receive these additional funds. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$61,369.00 chge. to: 1111-33301 School Revenue Federal

\$59,569.00 approp. to: 1111-111114-40610 Instruction

1,800.00 approp. to: 1111-111114-40680 Technology

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

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Council Member Frank

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a Weed and Seed Grant Program and will be used to pay for overtime money and miscellaneous supplies. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$11,997.41 chge. to: 1000-31901 Recoveries & rebates

\$ 1,506.05 approp. to: 1000-310431-46140 Other operating

10,491.36 approp. to: 1000-310231-41020 Salaries/Wages OT

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received through a one-time special request and will be used for a tracking system for the drug task force. Council Member Peterson offered a motion to approve this request for a first reading, and that:

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\$5,000.00 chge. to: 1000-31901 Recoveries & rebates

\$5,000.00 approp. to: 1000-310231-42811 Machinery/Equipment (new)

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a DMV grant for salaries. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$16,225.50 chge. to: 1000-33524 DMV Grant

\$16,225.50 approp. to: 1000-310231-41020 Salaries/Wages Overtime

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

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Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to replace computer hardware. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$1,500.00 chge. to: 1000-31010 Amount from fund balance

\$1,500.00 approp. to: 1000-310131-48172 Hardware (replacement)

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a Weed and Seed grant and will be used for overtime and crime prevention. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$1,307.62 chge. to: 1000-33531 Federal Weed and Seed grant money

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\$ 624.70 approp. to: 1000-310231-41020 Salaries Wages overtime

682.92 approp. to: 1000-310431-46140 Other operating supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

City Manager Baker presented a request for a supplemental appropriation for renovations at the Simms Building. He explained that when the 2002-2003 budget was prepared it did not include additional funds for renovations/upgrades at the Simms Building. City Council made a commitment of \$200,000 per year for five years for work at the building. These funds will cover the second year's appropriation. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$200,000 chge. to: 1000-31010 Amount from fund balance

\$200,000 approp. to: 1000-990111-49216 Transfer to Capital Projects

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

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Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

City Manager Baker presented a request to transfer funds for the Public Utilities Department. He explained that these funds will be used for upgrading sewer lines. Council Member Peterson offered a motion to approve this transfer request, and that:

\$200,000 chge. to: 1322-911161-48645 PHR & A I & I

\$200,000 approp. to: 1322-911161-48651 Upgrades

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Lantz

Council Member Frank

Mayor Fitzgerald

Absent None

Kathy Whitten, a resident of 560 South Mason Street, said that she appreciated hearing the discussion concerning the noise issues and trying to encourage single-family home ownership in the City. She also said landlords renting to students should be probably be considered as a business and paying the business tax. She said, We encourage them not to keep their property up because we assess their property according to its value and if the value is less than obviously they are paying less tax. At the same time, they are damaging our

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neighborhoods when we need to be working together to strengthen it. She encouraged Council to pursue opportunities for more tax revenue. She questioned why students vehicles didn't have a City decal rather than from another locality. They should be citizens of our City. They should pay their fair share because they are certainly using their fair share of services in the City.

City Manager Baker announced that the City had hired an outside consultant to help with the Comprehensive Plan.

Council Member Peterson offered a motion that the proposed amendment to the City Charter be removed from a tabled item and discussed further. The motion failed with a three to two vote.

At 10:45 p.m., Council Member Peterson offered a motion that Council enter a closed session for the discussion of matters related to the acquisition of real property. A closed session is permissible for this pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the Code). In addition, the purpose of the closed session is for discussion concerning a prospective business or industry where no previous announcement has been made of the business or industry's interest in locating its facilities in the City. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.5 of the Code of Virginia (1950), as amended (the Code). In addition, the purpose of the closed session is for the discussion or consideration of prospective candidates for appointment to the following boards or commissions: the Harrisonburg Redevelopment and Housing Authority; the Harrisonburg Electric Commission, the Harrisonburg Parks and Recreation Commission, and; the Harrisonburg Planning Commission. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code).

At 11:10 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by the City Council.

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

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CITY CLERK

MAYOR

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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 or 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

REGULAR MEETING

DECEMBER 10, 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.

Members of the Harrisonburg High School Honors Choir presented a brief performance of seasonal music and delivered the invocation. Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Mayor Fitzgerald announced that the Harrisonburg High School Honors Choir has been invited to perform at Carnegie Hall in June 2003.

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 Parks and Recreation Department and the Police Department. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Frank
Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent – None

Planning and Community Development Director Turner presented the 2003-2004 through 2007-2008 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a budgetary tool that allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$25,000 or greater. She reviewed only the new projects with a priority one or two ranking in the report. The Police Department includes a mobile data computer system allowing laptop computers in patrol cruisers. There are no new projects in the Fire Department. There are several new projects in the Community Development Department including replacing windows, exterior painting, brick work, and installing a central air conditioning system in the Municipal Building, and replacing the awning on the building used by the Department of Planning and Community Development. In addition, there are renovations planned for office space in the Municipal Building and roof replacement. The Economic Development Department includes the Hardesty-Higgins House renovations. The Public Works Department includes Cooks Creek bridge replacement, Erickson Avenue improvements, Garber's Church Road improvements and installing sidewalks on Garber's Church Road, and phase two of the NPDES project assisting in creating a better stormwater management system.

The Parks and Recreation Department includes restroom facilities at Smithland Road Soccer Fields, Purcell Park athletic fields and picnic shelter improvements, replace Community Activities Center exercise room, and a pesticide/chemical storage shed at Heritage Oaks Golf Course. The Smithland Road project continues in the Department of Water and Sewer fund. The Transportation Department includes school bus additions. There were no new projects ranked priority one or two in the Sanitation Division of the Public Utilities Department. Mrs. Turner said that Planning Commission recommended approval of the plan.

At 7:47 p.m., Mayor Fitzgerald 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 Saturday, November 30, and Saturday, December 7, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 10, 2002, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:

The proposed Capital Improvement Program, for fiscal years 2003-2004 through 2007-2008. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$25,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

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

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Fitzgerald called on anyone desiring to speak for or against approving the Capital Improvement Program. There being no one desiring to be heard the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Council Member Peterson offered a motion to adopt the Capital Improvement Program. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Frank
 Council Member Lantz
 Vice-Mayor Rogers

Council Member Peterson
Mayor Fitzgerald

Absent – None

Planning and Community Development Director Turner introduced a request by Fairfield Language Technologies to rezone from M-1, General Industrial District and R-3, Multiple Dwelling Residential District to B-1, Central Business District. The site is located at 135 West Market Street and occupied by a five-story building that currently houses Fairfield Language Technologies. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. Fairfield Language Technologies is a software company that works with language translation software. The business sits on two parcels of property along West Market Street. The parcel closest to the railroad track is zoned M-1, the parcel directly to the west is zoned R-3. The applicant would like to unify the zoning for this business to B-1. In the operation of this business, language-learning software is developed and shipped from this location. Warehousing of materials takes place on this property as an accessory use that is incidental to the permitted use of software development; however, no processing or assembly operations are performed on site. There are several benefits to adjusting the zoning to B-1, Central Business District. The first advantage is that this zoning classification does not have any property setback requirements. The current building does not conform to the setbacks for the two zoning classifications. Under the Zoning Ordinance's Non-conformance Section, if the building were damaged beyond fifty percent of its value, it would not be permitted to be rebuilt, as it exists today. The B-1 district does not have any off-street parking requirements, so the applicant would not need to supply enough on-site parking. Currently, there is an arrangement with nearby churches to utilize their parking lot for employees; in addition, the public parking garage is only one block southwest of the site. Fairfield Language rehabilitation of this older building is a definite plus to the Central Business area. She said that Planning Commission recommended approval of the rezoning request.

At 7:54 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 25, and Monday, December 2, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, December 10, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING – FAIRFIELD LANGUAGE TECHNOLOGIES

Public hearing to consider a request by Fairfield Language Technologies to rezone a 26,946 square foot lot from M-1, General Industrial District and R-3, Multiple Dwelling Residential District to B-1, Central Business District. The property can be found on tax map 35-X-9&10 and is located at 135 West Market Street.

The Comprehensive Plan designates this area as Commercial. Commercial uses include retail, wholesale, or service functions. These areas are found along the major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District.

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.

The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard the public hearing was declared closed at 7:55 p.m., and the regular session reconvened. Vice-Mayor Rogers offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Frank
 Council Member Lantz
 Vice-Mayor Rogers
 Council Member Peterson
 Mayor Fitzgerald

Absent – None

Planning and Community Development Director Turner introduced a request by Gary Beatty for a special use permit to allow not more than four (4) persons to occupy one unit of a two unit dwelling. She explained that the property is located at 1101 South Main Street. The site is zoned R-2, Residential District and current zoning regulations would permit the applicant to rent each unit to two individuals, for a total occupancy of four persons for the structure. She said that this past summer the property was converted from a single-family structure into two apartment units. The bottom unit, located in the basement has two bedrooms. Its occupancy would stay at two persons. The upstairs space, with four bedrooms is the unit that would receive the additional density. She reviewed the surrounding uses in the area. She also said that residents of the Maplehurst Avenue area presented a petition at the Planning Commission meeting asking that this request be denied and citing continued concerns with the appearance of the area

and parking problems in their neighborhood. She said that after consideration by staff, it was recommended to approve the request with the following conditions to be applied to the property.

- 1) A minimum of six (6) off-street parking spaces must be provided in the rear of the subject property. The surface must consist of an all-weather stabilized, dust free surface.
- 2) The property shall be inspected on an annual basis, similar to the boarding house inspection, to ensure building code requirements are met and the number of people residing on the premise meets the criteria of the permit. This inspection is to take place while all tenants are residing in the structure.
- 3) After a property passes its annual inspection, the Zoning Administrator will administratively renew the special use permit provided the use is still permitted by the Zoning Ordinance.
- 4) The Zoning Administrator shall revoke the permit, if this inspection does not take place every twelve (12) months.
- 5) A landscaping buffer shall be installed and maintained along the boundaries of the rear parking area, with mixed evergreen trees and/or shrubbery, to be no less than three feet tall at time of planting, to create an opaque buffer which shall shield adjoining property owners from the increased density, headlights, and vehicular storage and movement.
- 6) The Planning Commission shall be authorized to review complaints received on the property on an on-going basis and based on their findings, notify the landlord that the permit is being revoked unless they wish to reapply for a special use permit.

Mr. Beatty owns eight properties in the area, which are utilized for rental purposes. This section of South Main Street and the properties along Harrison Street to the rear, are almost wholly comprised of rental properties and James Madison University office facilities. She said that Planning Commission recommended by a vote of four to two to approve this special use permit request.

At 8:03 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 25, and Monday, December 2, 2002.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, December 10, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

SPECIAL USE PERMIT – GARY BEATTY

Public hearing to consider a request by Gary Beatty for the granting of a special use permit to allow not more than four (4) persons to occupy one unit of a two unit dwelling in the R-2 zoning district under Section 10-3-40 (7) of the City's Zoning Ordinance. The property can be found on tax map 18-H-19-21 and is located at 1101 South Main Street.

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 hearings 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 Fitzgerald called on anyone desiring to speak for or against this special use permit.

Gary Beatty, a resident of 450 South Mason Street, said that he has a lot of money invested in rental property on Main Street. He has been very conscious of maintaining the aesthetics and value of those properties. He has had parking problems with students having friends visit the property and has created a larger parking area at one of the adjacent properties. This property is in compliance with off-street parking and square footage. He said that two students will not increase the density.

John Sowers, a resident of 25 Maplehurst Avenue, said that the area is predominantly student housing, but the neighborhood does go beyond South Main Street. He said, "What happens over on the west side of Main Street does have an impact on the east side and it's not positive." The more students living in that area the more it infringes on the neighborhood. There are parking problems, noise, and traffic problems in the Maplehurst Avenue/Hillcrest Drive area. All the problems are not just along Main Street. City Council and the Planning Commission have been trying to improve neighborhood situations by reducing parking problems, reducing overcrowding, improving a noise ordinance, holding landlord accountable, and proposing multi-student properties back to single family properties. He urged City Council to say no to this special use permit request.

Kathy Whitten, a resident of 560 South Main Street, said that when the special use permit became part of the ordinance the whole purpose was to give people living close and, who would be effected, an opportunity to come before Planning Commission and City Council. These people have had that opportunity and they have spoken and we need to listen to them. She said there is nothing special about this use. When the property was purchased it should have been understood how it could be used. She encouraged City Council to listen to the people who live in the area day in and day out and more importantly night in and night out.

Beverly McGowan, a resident of 281 Campbell Street, said that although she did not live in the South Main Street area, she was concerned about the appearance of the area. She requested that Council vote no on the special use permit. Two more students could lead to two more special use permit requests in time. She asked Council to vote no to the request. There being no others desiring to be heard, the public hearing was declared closed at 8:20 p.m., and the regular session reconvened.

The following discussion by Council Members relative to the special use permit request included adequate parking behind the property, whether the house will ever convert back to a single family use, inspection every year, whether another owner will keep the property in the same condition, student housing along major thoroughfare of the City, questioned whether more student housing is needed, and concern about the student housing market's effect on established neighborhoods. Following further discussion and comments, Council Member Peterson offered a motion to approve this special use permit request. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Frank
Council Member Peterson

No - Council Member Lantz
Vice-Mayor Rogers
Mayor Fitzgerald

Absent – None

Phoebe Kilby, President of Sympoetica, presented an overview of a report on the Comprehensive Plan. She said her firm was hired to rewrite the Comprehensive Plan. Student housing is an issue in Harrisonburg. The Comprehensive Plan approach to a more generalized process may resolve these issues by coming up with a policy of how to deal with it. An overall approach should help in establishing policies reflecting the desires of the community including, students, business owners, and residents. She encouraged City Council to get involved and encourage the citizens of Harrisonburg to participate in the process. She noted that Council Member Peterson and Mayor Fitzgerald would be serving on the Comprehensive Plan Advisory Committee. She said another role of City Council after adopting the plan is to implement it, use its policies to make land use decisions, changes to the ordinances and influence decisions perhaps in the Capital Improvement Program. The Planning Commission is charged by the Code of Virginia to “prepare the Comprehensive Plan.” The role of the Comprehensive Plan Advisory Committee (CPAC) is working hard to engage the public in planning, help develop and recommend a draft plan that Planning Commission will consider and make a recommendation to City Council. Comprehensive Planning involves intelligence gathering, demographic and economic information, land use, housing, and policymaking. The Comprehensive Planning includes the beginning of the process, not the end of the process. A Comprehensive Plan involves land use, housing, transportation, water and sewer, but it should not be huge thick documents that citizens cannot use. She suggested that it should be readable and accessible to the public, placed on the City’s web site, and have a good executive summary short and to the point. According to Virginia law every locality must adopt a Comprehensive Plan and it must be reviewed at least once every five years. The Plan is only a guide for making community development decisions. The Plan is not an ordinance. Some trends in Virginia regarding Comprehensive Planning include a high level of public participation and consulting with citizens. It also involves a strong linkage between land use and transportation, and greater attention to design. She said that the preparation of the plan becomes a forum for assessing community attitudes, developing a vision for the community’s future, and creating implementation mechanisms to achieve that vision.

Elly Swecker, Executive Director Harrisonburg-Rockingham Free Clinic, presented a brief overview of the clinic’s programs. She said that the clinic provides outpatient health services to the uninsured in the community. Some patients have multi-chronic conditions and the daytime clinic allows an opportunity for staff members and volunteers to get to know these patients. The clinical atmosphere is friendly and supportive. The clinic is also able to provide some prevention services, pharmaceutical supplies, medical counseling, diet counseling, and a dental clinic. Most patients only use the clinic for their medical problems as a short-term solution. The clinic also refers patients to the Department of Rehabilitative Services for job retraining. The clinic also relies on in-kind support including Rockingham Memorial Hospital conducting diagnostic work. Some patients provide a \$3.00 donation for prescriptions; however,

some patients cannot afford that cost. She reviewed other services provided by the clinic and thanked City Council for their support.

Joan Strickler, Executive Director of First Night, presented a brief overview of the First Night activities. She explained that this will be the eleventh year of First Night and the series of artistic performances will include local and national acts. Plans for this year are similar to those of past years requests for street closing and sanitation crews. Mr. Doyle Hess will handle the fireworks arrangements, which will be on Court Square. Council Member Peterson offered a motion to approve First Night's request for its activities and fireworks display and to close certain streets. The motion was approved with a unanimous vote of Council.

Police Captain Wilfong presented for Council's consideration an application from James Michael Furr of ABC Cab Company for a Certificate of Public Convenience and Necessity to operate a taxicab business. He explained that the Police Department has conducted an investigation in accordance to City Code Section 14-1-1. Police Captain Wilfong recommended that the application be approved. Council Member Peterson offered a motion to approve the application and issue a Certificate of Public Convenience & Necessity for ABC Cab Company. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion to recommend Earl A. Budd, Gary D. Buennemeyer, Richard H. Collins, Monica K. Frackelton, and Edward P. Shank to the Circuit Court for appointment to the Board of Equalization. The motion was approved with a unanimous vote of Council.

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these insurance funds will be used for replacement of a wrecked police vehicle. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$11,350.00 chge. to: 1000-34011 Insurance Recovery Money

\$11,350.00 approp. to: 1000-310431-48151 Motor Vehicles and Equipment

The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Frank
 Council Member Lantz
 Vice-Mayor Rogers
 Council Member Peterson
 Mayor Fitzgerald

Absent – None

Bucky Berry, a resident of 877 North Main Street, complained about the hours of operation of the Public Works Department during a snowstorm and his deteriorating sidewalks.

At 9:30 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of the investing of public funds where bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.6 of the Code of Virginia (1950), as amended (the Code). In addition, the purpose of the closed session is for the discussion or consideration of prospective candidates for appointment to the following boards or commissions: the Harrisonburg Parks and Recreation Commission and the Harrisonburg Planning Commission. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code).

At 10:04 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Rogers offered a motion that Reginald Foucar-Szocki, 1922 Lynne Place, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 2006. The motion was approved with a unanimous vote of Council.

At 10:05 p.m., there being no further business and on motion adopted the meeting was adjourned.


CITY CLERK


MAYOR