

REGULAR MEETING

DECEMBER 9, 2003

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; Carolyn W. Frank; Council Member Dorn W. Peterson; Council Member Hugh J. Lantz; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and 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 adopting Section 2-3-3 and repealing Section 2-3-10 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

The next item of business was recognizing Harrisonburg's Commissioner of Revenue June W. Hosaflook. Augusta County Commissioner of the Revenue Jean Shrewsbury, speaking on behalf of the Commissioner of Revenue Association of Virginia, presented the designation of Master Commissioner of Revenue to Commissioner Hosaflook. She said that Commissioner Hosaflook has completed all the educational requirements necessary under the professional career development program administered by the Weldon Cooper Center of Public Service through the University of Virginia. The program is designed to advance the professionalism of Commissioners and their staffs. Ms. Shrewsbury said that tax administration requires special study, knowledge and skills. She said that Commissioner Hosaflook is an asset to the residents of Harrisonburg and her commitment to provide the highest level of tax assistance is demonstrated by the professional way she does her job. Ms. Shrewsbury then presented a Master Commissioner of Revenue plaque to Mrs. Hosaflook.

Mrs. Hosaflook said education is really important in the job of tax administration. She thanked management of the City for acknowledging the importance of education and its support through providing educational funding in the budget.

Planning and Community Development Director Turner introduced a request by Rodney Eagle for a special use permit to reduce the number of required parking spaces while providing open space that could be used for future parking. She said that Mr. Eagle has requested a special

use permit to reduce the number of required parking spaces for his carpet and flooring store. The property is located at 1188 Port Republic Road and is zoned B-2 General Business Classification. She reviewed the surrounding uses in the area. Following a fire at the site, Eagle Carpet is in the process of expanding their facility to a total area of 20,500 square feet. According to City parking regulation Section 10-3-25 (20), the use proposed would require one parking space for every 250 square feet of gross floor area. Eagle Carpet would be required to have no less than 82 parking spaces for their workers and customers. The B-2, General Business District, Section 10-3-91 (8) allows for a special use permit to reduce the number of required spaces so long as open space is provided to allow for additional parking spaces to meet the minimum requirements should the business or circumstances change. A letter submitted by the applicant states that he is requesting to reduce the required number of spaces from 82 to 30 parking spaces. Open space will be held in reserve for the additional 52 parking spaces should they be required. As in previous special use requests for reduction in parking, staff suggests a condition that would nullify this permit should Eagle Carpet ever vacate this property. She said that Planning Commission recommended approval of the request with the provision that the special use permit would be reviewed upon receipt of concerns to ensure that parking needs of the establishment continue to be served by the proposed parking, with City Council being able to revoke the permit, if in their determination additional spaces are needed.

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, November 24, and Monday, December 1, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, December 9, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT - EAGLE CARPET

Public hearing to consider a request by Rodney Eagle with representative, Blackwell Engineering, for a special use permit {per section 10-3-91 (8) of the Zoning Ordinance} to reduce the number parking spaces required, while providing open space that could be used for future parking. The property is located at 1188 Port Republic Road and can be found on tax map parcel 88-F-1 (2.396 acres).

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 Baker
City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against this special use permit. Rodney Eagle owner of Eagle Carpet said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Vice-Mayor 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

Planning and Community Development Director Turner introduced a request by Alleghany Partners, who is the property owner for Schewel's Furniture, for a special use permit to reduce the number of parking spaces while providing open space that could be used for future parking. The property is located at 2069 Evelyn Byrd Avenue. This proposed new facility will have 30,000 square feet of showroom space, plus an additional 10,000 square feet of warehouse area. She reviewed the surround uses in the area. According to City parking regulation Section 10-3-25 (20), the proposed use would require one parking space for every 250 square feet of gross floor area. The store would be required to provide no less than 159 parking spaces for their workers and customers. Schewel's management feels that this amount of parking is unnecessary due to past parking demand. The property owner for the new site has requested that the total number of required parking spaces be reduced from 159 spaces to 60 parking spaces with enough open space left in reserve to provide the maximum amount of parking required should the need arise. Staff has highlighted one concern that is not specifically related to this special use permit, but deals with the traffic flow on the site as well as the ingress and egress of this property. The applicant has agreed to the suggestion and is currently in the process of making the change to the plans. She said that Planning Commission recommended approval of the request with provision that the special use permit would be reviewed upon receipt of concerns to ensure that parking needs of the establishment continue to be served by the proposed parking, with the permit being null and void should Schewel Furniture Company vacate the property.

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, November 24, and Monday, December 1, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, December 9, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT - ALLEGHANY PARTNERS, LLC

Public hearing to consider a request by Alleghany Partners, LLC, for a special use permit {per section 10-3-91 (8) of the Zoning Ordinance} to reduce the number parking spaces required, while providing open space that could be used for future parking. The property is located at 2069 Evelyn Byrd Avenue and can be found on tax map parcel 77-K-1 (2.679 acres).

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 Baker
City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against this special use permit. Frank Berry, Regional Store Operation Supervisor for Schewel Furniture Company, said plans are to have as much grass and landscaping as possible in the unpaved area. There being no others desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Peterson 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

Planning and Community Development Director Turner introduced a request by the Rockingham Fine Arts Association to rezone property located at 486 West Market Street from R-2, Residential District to R-3C, Multiple Dwelling Residential District (conditional). The change in zoning would allow this non-profit organization to use the property for a gallery, art classes, and other related activities. 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. She reviewed the surrounding uses in the area. The applicant states that the property came into the hands of the Arts Association after the owner of the property left the parcel to the organization in her will. The deed specifically designates this property for the proposed Rockingham Fine Arts Association use. The applicant has proffered that this site will only be used for a non-profit community art center. They will provide a landscape buffer to be planted and maintained along the east and north boundaries of the

property. Any lighting on this site will be projected inward towards the property so as to not illuminate the adjacent residential areas. The main concern of staff is the ability of the organization to provide the required off street parking for this new use. She said that 13 parking spaces are required according to the City's Zoning Ordinance. A submitted sketch displays the required 13 parking spaces. She said that Planning Commission recommended approval of the request with a vote of five to one.

At 7:52 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 24, and Monday, December 1, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, December 9, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING – ROCKINGHAM FINE ARTS ASSOCIATION

Public hearing to consider a request by the Rockingham Fine Arts Association to rezone 22,075 Square Feet from R-2, Residential District to R-3C, Multiple Dwelling Residential District (conditional). The change in zoning would allow this non-profit organization to use property for a gallery, art classes, and other related activities. The property is located at 486 West Market Street and can be found on tax map 35-P-22.

The Comprehensive Plan designates this area as Neighborhood Residential. This area includes neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods that can be characterized by large housing units on small lots.

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 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 Baker****City Manager**

Mayor Fitzgerald called on anyone desiring to speak for or against this rezoning request. John Bell, a resident of Rockingham County, said that he was the President of Rockingham Fine Arts and was available to answer any questions.

Terry Ward, a resident of Rockingham County, encouraged Council to approve this rezoning request. He said most art exhibits are displayed in bank lobbies. Displaying arts in this fine Victorian house will be a welcome addition to the community. There being no others desiring to be heard, the public hearing was declared closed at 7:57 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 Peterson
 Council Member Frank
 Council Member Lantz
 Vice-Mayor Rogers
 Mayor Fitzgerald

Absent – None

Planning and Community Development Director Turner introduced a request by Virginia Silo Company, to rezone approximately a two-acre tract of land near Erickson Avenue. She said that the applicant is requesting to change the zoning on this two-acre tract of land from R-1, Single-Family Residential District to B-2, General Business District. The Comprehensive Plan designates this area as Low-Density Residential. She reviewed the surrounding uses in the area. City staff has highlighted a few areas that will need attention before any development on this site can take place. The first issue is providing water and sewer to the property, which currently has City water available along Erickson Avenue. An easement will need to be obtained to cross over adjacent property for a water lateral. Sewer can be accessed from the rear of the property on the adjacent land owned by Wal-Mart. Again, an easement would need to be obtained. This sewer line is the property of the Town of Dayton. Because this property has no public road frontage there is no mechanism to provide signage on this property at the present time. Another issue is providing access to this parcel of land. The applicant has proposed that all traffic coming to the site will utilize an existing 50-foot access easement from the Wal-Mart property. This access agreement enters the private access road Wal-Mart constructed from the shopping center parking lot to Erickson Avenue. The majority of the 50-foot access easement deeded to the applicant runs over land located in the County. Rockingham County planning officials have stated that they would most likely require this private drive to be constructed to VDOT commercial standards. She said that Planning Commission recommended approval of the request.

At 8:01 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 Monday, November 24, and Monday, December 1, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, December 9, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING – VIRGINIA SILO COMPANY, INC.

Public hearing to consider a request by Virginia Silo Company, Inc., with representative Daniel Brubaker to rezone one lot totaling two acres from R-1, Single-Family Residential District to B-2, General Business District. The property is located near 1720 Erickson Avenue and can be found on tax map 115-D-5.

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 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 hearings shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Roger 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 8:02 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 Frank
 Council Member Lantz
 Vice-Mayor Rogers
 Mayor Fitzgerald

Absent – None

Mayor Fitzgerald announced that a request by Nelson Swartz had been withdrawn.

Planning and Community Development Director Turner introduced a request by Shenandoah Telecommunications Company (Shentel) to amend Section 10-3-85 (2) of the Harrisonburg City Code. She explained that this request would allow telecommunications equipment and facilities to be located on principle structures without having to be concealed in an enclosed structure in the B-1, Central Business District Zoning Classification. Shentel is requesting the wording of Section 10-3-85 (2) be modified to remove the words "and not attached to a principal structure." This change is requested specifically to enable the company to apply for a special use permit to locate three proposed antennas and equipment on a building in the B-1 area since Shentel has limited coverage in the downtown area. The downtown area contains many tall buildings in a compact area. She reviewed the current zoning regulations in the B-1 district. Some concerns expressed by staff included ensuring downtown aesthetically compatibility, and assuring to the extent possible, there is no interference with individual businesses accessory telecommunications uses, and allowing adjacent businesses to review potential impact on their facilities if desired. She said that Planning Commission recommended approval of the ordinance amendment.

At 8:11 p.m., Mayor Fitzgerald 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, November 24, and Monday, December 1, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, December 9, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT – SPECIAL USES IN B-1, CENTRAL BUSINESS DISTRICT

Public hearing to consider a request by Shenandoah Telecommunications Company (Shentel), for an amendment to Section 10-3-85 (2) of the Zoning Ordinance, uses permitted only by special use permit, B-1, Central Business District, to allow telecommunications equipment and facilities to be located on principle structures without having to be concealed in an enclosed structure in the B-1, Central 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 hearings shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger Baker
City Manager**

Mayor Fitzgerald called on anyone desiring to speak for or against amending Section 10-3-85 (2) of the Zoning Ordinance.

Marshall Ross, an attorney with the firm of Wharton, Aldhizer and Weaver, reviewed the technical issues concerning the engineering drawings. There being no others desiring to be heard, the public hearing was declared closed at 8:17 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve amending Section 10-3-85 of the Zoning Ordinance for a first reading. 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

Planning and Community Development Director Turner introduced a request by Shenandoah Telecommunications Company (Shentel) for a special use permit to allow telecommunications equipment and facilities to be located on a principle structure at 2 South Main Street. Shentel is requesting the ability to place telecommunication equipment and facilities on the roof of the building at 2 South Main Street. This building is owned by Rockingham County and used for County School Board offices, as well as offices, not associated with the county. She reviewed the surrounding uses in the area. Shentel reports they have limited coverage in the downtown area. This causes their customers to experience blocked and dropped calls. They also have limited coverage within buildings in the downtown area. Shentel is requesting permission to install three antennas and telecommunications equipment storage units on the roof of the building. Two of these antennas are proposed to be located on the outside wall of the elevator structure on the roof and the third, as well as the equipment storage, is proposed to be placed on the northeast corner of the roof. Mrs. Turner reviewed the drawings and photos submitted in Council's packet. Shentel has shown a willingness to ensure the visual impact is as minimal as possible. Provided the requested ordinance amendment to Section 10-3-85 (2) is approved to facilitate this use, staff supports a favorable recommendation of the request with the following conditions: 1) If the telecommunications equipment ceases to be used for more than 12 months, all equipment permitted under this special use will be removed from the building. 2) Only the equipment as shown on the submitted drawings shall be approved under the issuance of this special use permit. Any equipment not shown on this drawing will constitute a violation of the special use permit and make the permit null and void, causing all equipment of the company to be removed from the building's rooftop. 3) Placement of advertising of any kind is prohibited on the antennas and equipment. 4) Antenna mounted to the sides of the elevator structure shall be painted to blend in with the structure. The freestanding antenna is to be a neutral color. 5) City staff shall review the special use permit annually, on the date of permit issuance, for compliance to the above conditions. If any of the above conditions are found to be in neglect, a certified letter will be sent to the property owner, at which time the provider will need to bring the equipment into compliance. If the equipment is not brought into compliance within 10 days, the special use permit will be held null and void and all equipment approved

under issuance of this permit shall be removed from the rooftop. She said Planning Commission recommended approval.

Mayor Fitzgerald announced that it would be necessary to hold a public hearing tonight; however, a vote on the special use permit request would not be taken until the January 13, 2004 Council meeting.

At 8:18 p.m., Mayor Fitzgerald 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, November 24, and Monday, December 1, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, December 9, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT – SHENTEL

Public hearing to consider a request by Shenandoah Telecommunications Company (Shentel), for a special use permit {per proposed amendment to section 10-3-85 (2) of the Zoning Ordinance, described above, to allow telecommunications equipment and facilities to be located on a principle structure in the B-1, Central Business District. The property is located at 12 South Main Street and can be found on tax map parcel 34-Y-10.

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 Baker
City Manager**

Mayor Fitzgerald called on anyone desiring to speak for or against the request by Shentel for a special use permit for the equipment located on the building at 2 South Main Street. There being no one desiring to be heard, the public hearing was declared closed at 8:19 p.m., and the regular session reconvened. Council Member Peterson offered a motion to place Shentel's request for a special use permit on the January 13th consent agenda. The motion was approved with a unanimous vote of Council.

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

RESOLUTION

WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Virginia (the "Authority"), has considered the request of Friendship Industries, Inc. ("Friendship") for the issuance of the Authority's revenue refunding bond in the aggregate amount of \$503,071 (the "Refunding Bond") to assist Friendship to modify and refinance the outstanding amount of the Industrial Development Authority of the Town of Bridgewater, Virginia Revenue Bond (Friendship Industries, Inc. Project), Series 1999C (the "Prior Bond"), issued on August 12, 1999, in the original principal amount of \$1,000,000 (the "Project"). The proceeds of the Prior Bond were used by Friendship to finance a portion of the acquisition, construction, expansion and equipping of new facilities, including approximately 32,500 square feet of manufacturing/warehouse space and approximately 7,650 square feet of office area, in order for Friendship to expand and enhance the training and employment opportunities for persons with disabilities, increase the number and diversity of jobs which Friendship has available for more severely disabled persons, provide additional placements for disabled persons in community employment after adequate training and work experience, and pay a portion of the cost of issuance of the Prior Bond.

WHEREAS, the Authority issues its bonds on behalf of the City of Harrisonburg, Virginia (the "City"), and the City Council of the City (the "City Council") constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has duly held a public hearing on December 9, 2003, on the issuance of the Refunding Bond upon due notice of publication therefor, and the Authority has recommended to the City Council to approve the Project and the Refunding Bond; and

WHEREAS, a copy of the Fiscal Impact Statement, a copy of the Summary of Statements at the Public Hearing, and a copy of the Authority's authorizing resolution adopted on December 9, 2003 (the "Authority Resolution") approving the issuance of the Refunding Bond, subject to the terms to be agreed upon, have been filed with the City Council as required by law.

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

1. The City Council concurs with the Authority Resolution and approves the Project and the issuance of the Refunding Bond by the Authority for the benefit of Friendship, as more particularly described in the Authority Resolution.
2. The approval of the issuance of the Refunding Bond by the City Council does not constitute an endorsement to a prospective purchaser thereof or an endorsement of the creditworthiness of the Project or Friendship.
3. The Refunding Bond shall provide that they 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 shall be obligated to pay the principal of, premium, if any, or interest on the Refunding 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, shall be pledged for the payment of principal or premium, if any, or interest on the Refunding Bond or other costs incident thereto.

This Resolution will take effect immediately upon its adoption.

Adopted: December 9, 2003

Mayor, City of Harrisonburg, Virginia

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the "City"), hereby certifies that the foregoing Resolution constitutes a true and correct copy thereof adopted by the City Council at a regular meeting duly held and called on December 9, 2003. A record of the roll-call vote by the City Council is as follows:

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

Date: December 9, 2003

[SEAL]

Clerk, City Council of the City of
Harrisonburg, Virginia

Carolyn Perry, attorney appearing as Bond Counsel for Friendship Industries, said that the Industrial Development Authority of Harrisonburg received a request to issue a refunding bond on behalf of Friendship Industries in the amount of \$503,071. The proceeds for the prior bond were used to finance a portion of the acquisition, construction, expansion and equipping of

new facilities for Friendship Industries. Mrs. Perry said that this morning, December 9th, a public hearing was held by the Industrial Development Authority of Harrisonburg who unanimously approved the issuance of a refunding bond. 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 motion to approve this resolution as presented. 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

The next item of business was considering authorizing the City Manager to sign an agreement extending Cable Franchise through December 31, 2004. City Manager Baker said Adelphia Cable needed an extended signed franchise agreement to present to the attorneys handling the bankruptcy proceeding. Council Member Peterson commented that he has received complaints concerning the selection of cable channels available in the City because other similar sized cities provide a better selection with their basic rate. He suggested some comparison should be conducted with equivalent systems in Danville, Salem and Charlottesville.

Joe Price, a resident of Bridgewater, representing Adelphia said the franchise originally granted to Time Warner expired July 2002. The company has continued to operate under the terms and conditions of the franchise. The company needs a valid up-to-date license to use easements and right-of-ways in the City.

City Attorney Miller said that Harrisonburg has hired a law firm experienced in examining franchise agreements. The City receives 5% of gross revenues received by the cable company. Following further discussion and comments, Council Member Lantz offered a motion to approve authorizing the City Manager to sign an agreement extending the cable franchise through December 31, 2004. The motion was approved with a unanimous vote of Council.

Joan Strickler, Executive Director of First Night, presented a brief overview of the First Night activities. She explained that this will be the twelfth year of entertainment and family fun for the citizens of Harrisonburg and the surrounding area. Plans for this year are similar to those of past years requests for street closing and sanitation crews. She said this year is the 100th year anniversary of the Bank of American Building on Court Square. As part of the celebration, First Night will have a birthday party involving a ball drop from the sixth floor of the bank building. Mr. Doyle Hess will handle the fireworks arrangements, which will be on Court Square. Council Member Frank 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.

The next item of business was a request from the School Board to approve proceeding with architect and engineering services for renovation of the current high school.

Tom Mendez, Chairman of the Harrisonburg City School Board read the following letter: "Thank you for the opportunity to be on the agenda tonight. Based on previous presentations made to Council, as well as discussions that have occurred between Council and the School Board, you are aware that the Board's long-range capital improvement plan includes completion of the new high school, renovation of the existing high school for use as a 7th & 8th grade school and central office, and purchase of additional land followed by construction on that land of a fifth elementary school.

This plan addresses the challenges we face educating our growing student enrollment in facilities that are occupied well beyond their intended capacities. Most importantly, the board unanimously adopted this plan one year ago after several months of analyzing school enrollment data, making enrollment projections, and meeting extensively with staff, parents and community members, both to seek input as well as to make information available.

When the Board came to Council last spring to present this plan, we were asked to examine if any other options were available. The Board looked more carefully at its plan, particularly considering facility use and timing issues. We came back to Council and said that while it was optimal, it appeared reasonable to delay construction and opening of a new K-4 elementary school until 2007. I believe Council received this report from the Board favorable and indicated that it would be appropriate for the Board to pursue finding land. We continue that search and have focused our primarily attention on the Northeast area of the City.

At that meeting, we were asked how much time we had before a decision had to be made on the renovations and we informed you that December was our drop-dead date. We were asked to supply additional financial information along with details of the renovations contemplated at the existing high school. That information was provided as requested and we extended an offer to Council Members to tour the high school to see first hand what renovations were needed to preserve the middle school team teaching environment. We are pleased that most of you accepted this offer and I know that all of you are generally aware of the renovations planned.

I want to be certain to convey that throughout this process, the school board has continuously sought to balance the educational needs of our school system with a fiscally prudent and conservative approach. For example, while it would be logistically and arguably educationally more beneficial to relocate the library to a more central location, the school board voted to save the additional \$1.2 million estimated cost of doing so, as we recognize our needs extend beyond the renovation of the high school. It is also very important for you to know that we have thoroughly explored a variety of options to address our needs, but we do not believe that we currently have other viable alternatives available. Thus, it is important for us to proceed with our adopted plan, which is both fiscally sound and educationally appropriate.

As you may have read in today's newspaper, steady progress is being made on the construction of the new high school. Despite the challenges Mother Nature has dealt to us, we anticipate moving from the current high school building to the new facility on Garber's Church Road in late December or early January of next year.

The anticipated cost of renovating the existing high school building is \$3.4 million and a bond issue will be needed. It is critical that we follow a timeline that allows the actual renovations to begin in early January 2005 so that the building can be ready for occupancy by the 7th and 8th graders in late August 2005.

To accomplish the above, we need to take the first step of having our architects begin renovations drawings in January so that the project can be bid in late summer or the early fall of 2004 and a general contractor can be on board by mid-fall, 2004.

My original intent, as directed by the school board, was to request from Council tonight a supplemental appropriation in the amount of \$175,000 so that we can authorize the architects to begin their work. However, because other large supplemental appropriations were already on the agenda, I realize that it was not possible for that request to be made tonight.

Instead, I am here tonight to outline, as I have above, the timeline that we face, and to request that Council authorize the School Board to proceed with architect and engineering services for renovation of the high school, with the understanding that the actual supplemental appropriation must be acted on later. Dr. Ford and I would be very happy to answer any questions you may have at this time. Thank you."

Council Members agreed to hold a joint meeting with the School Board at 6:00 p.m., on January 13, 2004.

Public Transportation Director Smith presented a request for a supplemental appropriation for the Transportation Department. He explained that this grant money will be used to purchase two (2) additional transit buses for a total of six (6) buses of which four buses were included in the budget. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$ 45,577.00 chge. to: 2013-34210 Transfers from general fund
 364,620.00 chge. to: 2013-33305 Transit Capital Grant Buses Federal
 45,577.00 chge. to: 2013-32518 Transit Capital Grant State

\$455,774.00 approp. to: 2013-872081-48253 Transit Buses

\$ 45,577.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$ 45,577.00 approp. to: 1000-990111-49270 To Transportation Fund

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 for Council's consideration an ordinance repealing and re-enacting Section 4-2-24 of the Harrisonburg City Code. Commissioner of the Revenue Hosaflook explained that this ordinance provides an extension-filing deadline for first-time applicants or for hardship cases. It will also follow the state code. Taxpayers were not noticing until after the May 1st deadline, information printed on tax bills advising taxpayers about the tax relief for the elderly and permanently disabled. She said that the City bills twice a year and by changing this ordinance to allow the extension of the deadline for first-time applicants or for hardship cases from May 1st until June 30th should allow more people to apply for the relief. Council Member Peterson offered a motion to approve repealing and re-enacting Section 4-2-24 of the Harrisonburg City Code for a first reading. 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 for Council's consideration an ordinance repealing and re-enacting Section 4-2-26 of the Harrisonburg City Code. Commissioner of the Revenue Hosaflook explained that amending this ordinance would increase the penalty for falsely or fraudulently claiming the tax relief for elderly and permanently disabled. Providing false information to the Commissioner changes the penalty to a Class 1 misdemeanor. She said that since this provision is included in the state code section, she recommended changing the City Code to match the State Code. Council Member Peterson offered a motion to repeal and re-enact Section 4-2-26 of the Harrisonburg City Code for a first reading. 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 for Council's consideration an ordinance repealing and re-enacting Section 4-2-27 of the Harrisonburg City Code. Commissioner of the Revenue Hosaflook explained that this section in the City Code refers to a section of the State Code, which no longer exists. She requested that Section 4-2-27 be repealed. Council Member Peterson offered a motion to repeal Section 4-2-27 of the Harrisonburg City Code for a first reading. 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 offered a motion that Donn E. Meyerhoeffer, 486 Andergren Drive, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 2006. The motion was approved with a unanimous vote of Council.

At 9:00 p.m., there being no further business and on motion adopted the meeting was adjourned.


CITY CLERK


MAYOR