

REGULAR MEETING

APRIL 13, 2004

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 Members 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. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by William and Cynthia Yount to rezone 26,247 square feet from R-1, Single Family Residential District and R-2, Residential District to B-2C, General Business District Conditional. She said that the property is located at 1172 South High Street. Currently, the two lots are vacant and used as a parking area for an adjacent business to the north of the subject parcels. The Comprehensive Plan designates this area as a mixture of Commercial and Low-density Residential. The designation states that these areas include uses for retail, wholesale, or service functions found along major travel corridors of the City. The applicants are requesting that these lots be rezoned for future commercial use. She reviewed the surrounding uses in the area. She also reviewed several uses proffered by the applicants to make it more compatible with the area. She said that Planning Commission has recommended approval of the rezoning 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 Monday, March 29, and Monday, April 5, 2004.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, April 13, 2004, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING – YOUNT PROPERTY

Public hearing to consider a request by William and Cynthia Yount to rezone 26,247 square feet from R-1, Single-Family Residential District and R-2, Residential District to B-2, General Business District. The property is located at 1171 South High Street and can be found on tax map 20-F-1&2.

The Comprehensive Plan designates this area as a mixture of Low-Density Residential and Commercial. The Low-Density Residential 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 Commercial designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the current R-2, Residential District zoning 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 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. 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 Rogers offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by Gary Lee for a special use permit. She said that the applicant has requested a special use permit to allow recreational uses in the M-1 General Industrial Zoning District. Specifically, the property is proposed to be used as a paintball gaming center. This site is zoned M-1 and is also designated by the Comprehensive Plan for a continuation of this type of use. She reviewed the surrounding uses in the area. Plans include an indoor playing area capable of allowing over twenty players to participate in paintball games at one time with additional area for paintball equipment sales and a spectator viewing area. Future plans include providing an outdoor play area to the west of the building adjacent to the railroad tracks. This play area will be screened with 12 foot high netting that should prevent most paintballs from leaving the area of play. Primary hours of operation are projected to be in the evening and weekend. Because of the industrial and commercial nature of this area, this proposed use does not present any traffic or lighting concerns. She said that staff recommends two conditions: 1) All outdoor paintball play areas shall be screened with appropriate netting constructed no less than 12 feet in height to capture paintballs and, 2) All outdoor paintball gaming activities shall be under the direct supervision of qualified staff. Planning Commission will review the permit administratively on an annual basis. She said that Planning Commission recommended approval of the special use permit.

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 Monday, March 29, and Monday, April 5, 2004.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, April 13, 2004, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT- 960 ACORN DRIVE

Public Hearing to consider a request from Gary Lee for a special use permit {per Section 10-3-97 (10) of the Zoning Ordinance} to allow recreational uses in the M-1, General Industrial Zoning District. The property is located at 960 Acorn Drive and can be found on tax map 56-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 Fitzgerald called on anyone desiring to speak for or against this special use permit. Rudy Dean, a resident of Rockingham County, said that he currently operates a business within the City selling and servicing paintball equipment. He said that he wanted to provide a safe area of play for the hundreds of people in the area that already play paintball. The area needs an area for supervised playing in a controlled environment. There being no others 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 approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request to amend the Zoning Ordinance to allow structures to exceed 75 feet in height in the B-1, Central Business District with the granting of a special use permit. She said amending this ordinance would add to the Zoning Ordinance a special use permit provision that would allow structures to exceed 75 feet in height, which is the current restriction in the B-1, Central Business District Classification. The Harrisonburg Downtown Renaissance Economic Development Committee recently made a presentation to Planning Commission stating that this would be a good marketing tool. Mrs. Turner said she has discussed this request with the Fire Chief and he doesn't oppose this ordinance amendment. He does want to work with staff on the building permit plans and specific proposals for increases in height. She said that Planning Commission recommended approval of the request.

At 7:50 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 Monday, March 29, and Monday, April 5, 2004.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, April 13, 2004, 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 the City of Harrisonburg to amend Section 10-3-85 of the Zoning Ordinance, uses permitted only by special use permit, B-1, Central Business District, to allow buildings to exceed seventy-five (75) feet in height.

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 the ordinance amendment. There being no one desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker presented the proposed 2004-2005 budget. He said that the budget was presented to Council at the March 23rd meeting and a work session was held on March 30, 2004. The City's Charter requires that the budget be adopted by June 1, 2004. He said that a continued major commitment remains to funding for education, public safety, road, public utilities and the maintenance of existing infrastructure. Harrisonburg continues to compare favorably with real estate and personal property tax rates around the state. The City continues to have the second lowest nominal real estate tax rate at 62 cents among all independent cities. The City continues to be in a growth situation as evidenced by the latest population figure of 42,500. The proposed budget when compared to the original 2004 budget shows a 4% increase. The General Fund budget is balanced without any proposed tax increases. However, the current monthly residential collection fee of \$12.00 is proposed to increase to \$14.00 per month to assist with the cost of collecting, processing and disposal of solid waste. Since Rockingham County intends to raise their landfill tipping fees, it is proposed to also increase the City's tipping fee by \$3.00. It is also recommended that water rates be increased by 3% to assist with installing the raw waterline from the east. Mr. Baker said increases in the budget include debt service for the schools, VRS expenses, and a recommended 3% salary adjustment for employees. Neither the debt service nor the VRS increases are items that the City has any control over. It is also proposed to give City residents who are volunteer firefighters a free vehicle decal. The amount of fund balance used to balance the budget will be \$2,963,058. Any unanticipated revenues received from the state will be applied to reducing the amount of unappropriated fund used. Schools represent the largest single expenditure in the City budget. The proposed transfer and school related debt service expenditures paid from the General Fund is 41.1% of the total

General Fund budget. The proposed School Fund budget is 7.8% higher than the original fiscal year 2004 budget. The City's proposed funding will increase from the current year's funding level by \$1,500,000 and payments on school debt service will increase approximately \$835,000. The Emergency Communications Center Fund is a newly created fund for fiscal year 2005. This fund will account for the activities of the joint City/County Emergency Communications Center (ECC). The Community Development Block Grant Fund is also a newly created fund for fiscal year 2005. This fund will account for the administration of the Community Development Block Grant funding that the City will be receiving from the Federal Government. The budget format is similar to prior years, with detailed explanations by fund and by major functions areas in the General Fund.

Council Member Peterson questioned if the City has borrowed any money for Erickson Avenue and Stone Spring Avenue projects? Would this be new borrowed money?

City Manager Baker replied no. The City has not borrowed any money toward these projects.

Council Member Peterson asked if the City had any money in the Capital Project Fund for either project?

Mr. Baker replied yes. There is approximately \$1 ½ million in the fund balance. The City receives approximately \$1.8 million from the Staunton District. Erickson Avenue is the top priority project. He continued to review how funding is received from state and how projected unappropriated funds will be used to balance the budget.

At 8:22 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, April 5, 2004.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2005
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 13, 2004 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>Revenue-By Funds</u>	Original	2003-04 Amendments Amended		2004-05 As Proposed
Operating:				
General	58,296,111	1,999,612	60,295,723	62,941,853
School	38,720,032	381,900	39,101,932	41,758,729
Emerg Comm Center	-	-	-	1,045,659

Comm Dev Block Grant	-	-	-	648,000
Water	5,030,962	350,000	5,380,962	6,454,097
Sewer	6,125,697	52,903	6,178,600	6,105,568
Public Transportation	5,537,058	993,093	6,530,151	4,446,641
Sanitation	8,287,649	-	8,287,649	7,836,614
Parking Authority	401,568	2,105	403,673	246,644
Golf Course	1,314,473	25,539	1,340,012	1,206,533
Central Garage	660,480	-	660,480	671,026
Central Stores	58,764	-	58,764	60,434
Total Operating	124,432,794	3,805,152	128,237,946	133,421,798
Capital Projects:				
General Capital Projects	5,822,800	9,658,276	15,481,076	2,705,000
School Capital Projects	-	33,310,590	33,310,590	-
Water Capital Projects	500,000	13,157,910	13,657,910	1,275,857
Sewer Capital Projects	631,129	2,519,694	3,150,823	300,000
Park Auth Cap Projects	166,000	115,633	281,633	-
Total Capital Proj	7,958,856	74,148,055	82,106,911	5,293,389
Total	132,391,650	77,953,207	210,344,857	138,715,187

Expenditures - By Funds

Operating:

General	58,296,111	1,999,612	60,295,723	62,941,853
Schools	38,720,032	381,900	39,101,932	41,758,729
Emerg Comm Center	-	-	-	1,045,659
Comm Dev Block Grant	-	-	-	648,000
Water	5,030,962	350,000	5,380,962	6,454,097
Sewer	6,125,697	52,903	6,178,600	6,105,568
Public Transportation	5,537,058	993,093	6,530,151	4,446,641
Sanitation	8,287,649	-	8,287,649	7,836,614
Parking Authority	401,568	2,105	403,673	246,644
Golf Course	1,314,473	25,539	1,340,012	1,206,533
Central Garage	660,480	-	660,480	671,026
Central Stores	58,764	-	58,764	60,434
Total Operating	124,432,794	3,805,152	128,237,946	133,421,798

Capital Projects:

General Capital Proj	5,822,800	9,658,276	15,481,076	2,705,000
School Capital Projects	-	33,310,590	33,310,590	-
Water Capital Projects	500,000	13,157,910	13,657,910	1,275,857
Sewer Capital Projects	631,129	2,519,694	3,150,823	300,000
Sanitation Capital Proj	838,927	15,385,952	16,224,879	1,012,532
Park Auth Cap Proj	166,000	115,633	281,633	-

Total Capital Project	7,958,856	74,148,055	82,106,911	5,293,389
Total	<u>132,391,650</u>	<u>77,953,207</u>	<u>210,344,857</u>	<u>138,715,187</u>

Mayor Fitzgerald called on anyone present desiring to speak either for or against the proposed 2004-2005 budget.

Sam Ashworth, a member of the Harrisonburg-Rockingham Free Clinic, said that the clinic provides outpatient health services to the uninsured low-income citizens with a high priority to working poor in the community. In 2003, the clinic had 7,400 patient visits. The Free Clinic dispensed over 20,000 prescriptions valued at \$1.2 million. For every dollar the Free Clinic spends, \$4.75 is provided in medical services. Last year the clinic had over 8,000 volunteer hours dedicated to medical treatment, administrative services, and other services. Each week two clinics are provided during the day and one at night. He said last year patients received almost \$1.8 million in medical services in the community. He reviewed other services provided by the clinic. He said the Free Clinic requested \$25,000 from the City to support the operations. He thanked City Council for their support, but asked for reconfiguration of the \$24,000 figure. Rockingham County has committed to \$25,000 this year and the patient base is almost evenly split between the City and County. The needs in the community continue to grow.

Allison Coonley, Executive Director of the Harrisonburg-Rockingham Convention & Visitors Bureau, presented an overview on CVB. She said that the current budget is approximately \$211,000, which is received from the City, County and private membership. She requested an additional \$70,000 in funding for CVB. Demands have increased on the Visitors Center including requests for additional information, small meetings, conferences, group tours, and individual tourism. The Visitors Center assists and supports many organizations including the Arts Council of the Valley, Harrisonburg Downtown Renaissance, and the Chamber of Commerce. She said if we calculate that 15% of tourist related spending occurs purely from tourists, we can assert that tourists spent at least \$4 million dollars locally for food and specialty shopping.

Bucky Berry, objected to increasing the refuse collection fees without increasing the number of bags allowed per household per week.

Betty Newel President of Community Association for Rural Transportation (CART) said that CART provides transportation services for elderly, disabled and low-income residents of Harrisonburg and Rockingham County. Approximately one-third of CART clients are City residents. CART does not duplicate services provided by Harrisonburg; however, at times transportation has been provided to the University of Virginia Medical Center for sub-specialty care. Sometimes service is provided late at night because City buses have stopped running, trips to disability hearings, and to doctors that have moved out of the City. She again requested a \$10,000 allocation for CART.

Craig Moore, owner of the Joshua Wilton House, thanked Council for its support especially last year in providing funding for the marketing campaign. Harrisonburg and Rockingham County are marketed in many publications getting national exposure and Mid-Atlantic exposure. He said the marketing program has been so good that CVB has received many leads. However, CVB doesn't have the staff to fulfill those inquires. He requested additional funding for CBV.

There being no others desiring to be heard, the public hearing was declared closed at 8:47 p.m., and the regular session reconvened.

The following discussion by Council Members included: Reason why Harrisonburg-Rockingham Free Clinic wasn't level funded; Citizen Advisory Committee for the Community Development Block Grant (CDBG) hasn't been determined; allocate \$16,500 in additional funds (budget includes \$8,500) from the 2004-2005 budget for the Free Clinic; commit to providing the amount out of Reserve for Contingencies; only 15% of the total allocation from CDBG could be spent for public services; encourage CART to apply for funding through the CDBG program; and questioned why wasn't the request from CVB for additional funding from Rockingham County as high as Harrisonburg.

Council Member Lantz offered a motion to approve a total commitment of \$25,000 to the Harrisonburg-Rockingham Free Clinic. The motion was approved with a unanimous vote of Council.

Following further discussion and comments, Council Member Lantz offered a motion to increase the Harrisonburg-Rockingham Convention & Visitors Bureau budget by an additional \$45,000 over last year's budget. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Lantz offered a motion to approve the 2004-2005 budget for a first reading as amended: add \$16,500 in contribution to the Harrisonburg Free Clinic and add \$45,000 in contributions to the Convention & Visitors Bureau. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of discussion was considering authorizing City Manager Baker to initiate a contract with Lantz Construction Company for renovation of Hardesty-Higgins House. Economic Development Director Shull said that Lantz Construction Company was the low bidder for this renovation project, submitting a base bid of \$1,064,000. Mr. Shull provided a brief overview of the project. The project will take 10 months to complete and most of the funding was received from a TEA-21 Federal grant. Vice-Mayor Rogers offered a motion to approve a contract with Lantz Construction Company for renovation of the Hardesty-Higgins House. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of discussion was several requests by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance, presented a brief summary of the requests. He said several years ago private funds were used to purchase concrete planter boxes that were distributed throughout downtown for merchants to maintain and plant flowers. Most merchants did an excellent job, but some did not keep up the maintenance. One of the Harrisonburg Downtown Renaissance goals is to have the appearance of downtown improve through plant life and flowers. Saturday, April 17th, Friends of Black Run Greenway will be doing a clean-up day for Blacks Run and HDR will be planting flowers and replacing the soil with the permission of the merchants. He said that this is a partnership between HDR, Chamber of Commerce and Wetsels to add a splash of color to the downtown area. For the last 13 years, the Citizens for Downtown has sponsored concerts every other Friday night on Court Square. This year Harrisonburg Downtown Renaissance is working with Citizens for Downtown to have an event every Friday night starting in June and continuing through August. He reviewed a list of the movies that will be offered to the public. Businesses and organizations are sponsoring the event and will be free to the public. He requested partial closing of Court Square during the evenings that movies will be shown. Plans have been reviewed with City staff regarding showing the movies and closing a portion of Court Square. Council Member Peterson offered a motion to approve closing a portion of Court Square during the Friday evening's movies would be show. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director Stacy Turner presented the following resolution for Council's consideration.

**RESOLUTION SUPPORTING APPLICATION FOR NOMINATION
OF THE HARRISONBURG DOWNTOWN HISTORIC DISTRICT TO
THE VIRGINIA LANDMARKS REGISTER AND
THE NATIONAL REGISTER OF HISTORIC PLACES**

WHEREAS, the City of Harrisonburg has a rich history dating to 1737 when the City's namesake, Thomas Harrison, and his family came to the Shenandoah Valley; and

WHEREAS, the Harrison family constructed their home, which still stands today, in 1750, and deeded land for the Rockingham County Court House in 1779, creating the heart of the town, officially established by the General Assembly in 1780; and

WHEREAS, this Court Square area has become the center of the City's downtown commercial area, including not only the Harrison House and the Court House, but numerous other buildings of historic significance; and

WHEREAS, the City seeks to encourage restoration and renovation of these historic resources to retain character, continuity and a sense of place for present and future generations; and

WHEREAS, designation of an honorary historic district at the State and Federal levels provides property owners opportunities to utilize financial incentives for preservation and renovation of these resources;

NOW THEREFORE BE IT RESOLVED, that the Harrisonburg City Council supports proceeding with application for nomination of the Harrisonburg Downtown Historic District to the Virginia Landmarks Register and the National Register of Historic Places.

ADOPTED THIS 13TH day of April, 2004.

Mayor, City of Harrisonburg

ATTEST

Clerk of the City Council

Mrs. Turner explained that this resolution is in support of applications for the Historic District designation. She said the City considered this designation in 1996, but did not apply after receiving opposition from a vocal minority group. When Harrisonburg Downtown Renaissance was formed they wanted to apply for this designation again. Being on the Virginia Landmark Register and the National Register of Historic Places places no restrictions on property owners. It is simply an honorary designation. It will allow property owners to receive tax credits for making improvements to their property. Designation of a historic district would not place any type of restrictions on any property owners. HDR inquired whether or not there was interest in applying for this honorary designation. A committee was formed under HDR who decided to go forth with the application if a mechanism was in place making it more difficult for the City to have an architectural review board established to govern this historic district. Mrs. Turner continued to review the process to establish this designation. Council Member Peterson offered a motion to approve to approve the resolution as presented. The motion was approved with a unanimous vote of Council.

Mayor Fitzgerald said that since Council heard most of the presentation by the Convention and Visitors Bureau during the budget public hearing process the presentation was cancelled.

The next item of business was consideration of bids for the Emergency Communications Center. Assistant City Manager Hodgen said that bids were received on March 18th for renovations to the fifth floor of the Public Safety Building (Harrison Plaza) that would allow the relocation of the Emergency Communications and Emergency Operations Center into this space. This work was initially bid in December, 2003, but due to higher than anticipated bid prices, no award was made. Modifications were then made to the overall scope of work and the project was re-advertised. He said that the low bidder was Nielsen Building, Inc., with a bid of \$1,083,341.00 dollars. It should be noted that the County will share in 50% of the cost of this project if bids are accepted by both City Council and the Board of Supervisors. He also pointed out that the bid was received on March 18th and since bid prices are typically good for 30 days Friday, April 16th would be the final day that this price is good. If it is deferred, the price will increase because of higher steel prices and construction materials.

The following discussion by Council Members included: Questioned whether renovations to the fifth floor depended upon the radio project? If City and County went in different directions whether City's architect should redesign the project; departments included in the Emergency Communications Center include EOC, police, sheriff, fire and rescue dispatchers; and project contingent upon County approving the bid.

The next item of business was authorizing the City Manager to proceed with a radio project. This item was tabled at the March 23, 2004 Council meeting. By consensus agreement staff was directed to put it on the agenda for April 13th meeting to authorize proceeding with negotiations with M/A COM and seek financing options. City Manager Baker said that minutes had been researched and discussions were held with City staff concerning the radio system.

Vice-Mayor Rogers commented that after reviewing the radio project timeline report, it is time to review all information that has been received and make a decision. He said, "I can't vote for the City to spend \$20 million on a radio system, but it is important to get the information. The issue is that this is an expensive system and we don't want to pay that much for a system, but we need to have the information to find out how much the system will cost. It is a business decision. Since 2001, the City has spent a total of \$391,000 to get to this point and the process shouldn't be stopped now."

Council Member Lantz said, "I want to make it very clear that I will not vote to spend that kind of money on a radio system. The numbers will have to be much, much lower than the projections. This whole project has grown from \$18 million to \$31 million and has just gotten out of hand."

Assistant City Manager Hodgen pointed out this is a request for proposals and not a bid process. A lot of the questions concerning a mobile data system, cell phones versus portable phones can't be answered until negotiation with a recommended vendor are held. Everyday we are finding out there are other mobile data options to at least check into a little bit further.

Jim Junkins, ECC Director, came to the podium and reviewed the proposed 800-megahertz radio system. He said, "We're all concerned about the cost of the system. We don't

want to spend any more money than we have to. The goal is to get a system we can reliably operate with the channel capacity and coverage we need.”

Following further discussion and comments, Vice-Mayor Rogers offered a motion to give the City staff permission to move forward, negotiate, and present the final numbers at a future Council meeting. The recorded roll call vote was taken as follows:

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

Abstained - Council Member Peterson

Absent – None

Fire Chief Larry Shifflett came to the podium and commented that the City and County have been trying to combine the Emergency Communication Center (ECC), which includes fire and rescue, Police Department and the Sheriff Department for years. But, it can't be done because of lack of space. None of the departments have a room large enough to accommodate everyone. “I find it very hard to believe that Rockingham County will not participate in this joint ECC.” He reviewed various aspects of the consolidation and said that it is needed. He also pointed out that the renovations don't depend on Council's decision to select a radio system.

Vice-Mayor Rogers offered a motion to begin negotiations with the low bidder for the Emergency Communications Center. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was adopting a Joint Exercise of Power Agreement. City Manager Baker said that this agreement would establish a joint testing program for firefighters and emergency medical service personnel. The personnel staffs from Staunton, Waynesboro, Rockingham County, Augusta County and Harrisonburg have been working for some time to combine the testing for firefighters and emergency medical service personnel into one common testing for all five jurisdictions rather than each testing alone. Council Member Frank offered a motion to adopt the agreement as presented. The recorded roll call vote was taken as follows:

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

Council Member Lantz
Mayor Fitzgerald

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from the Department of Homeland Security/Department of Justice in grant funds in the 2002-03 budget year. These funds must be re-appropriated into the 2003-2004-budget year so that they may be spent by their expiration date. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$35,956.69 chge. to: 1000-31010 Amount from Fund Balance

\$35,956.69 approp. to: 1000-350532-48213 Equipment

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said that FEMA has approved a grant to the Fire Department to completely replace all of the breathing apparatus, and related systems, currently being used, as well as funding for several other projects. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$237,868 chge. to: 1000-33536 FEMA Asst. to Firefighters

\$227,868 approp. to: 1000-320232-48113 Equipment

10,000 approp. to: 1000-320232-48203 Fire Program Fund

The recorded roll call vote was taken as follows:

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

Absent – None

City School Business and Finance Director Triplett presented a request for a supplemental appropriation for the School Board. He said that these funds were received from a 2003B Refund Bond Savings from the 1994A Bond issue. These funds will be used for the new high school project, ESL program and vocational program. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$ 677.45 chge. to: 1311-31513 Investments earnings

140,601.55 chge. to: 1311-34100 Debt Issue Proceeds

55,663.00 chge. to: 1111-33301 School Revenue-Federal

\$141,279.00 approp. to: 1311-910114-48697 Construction-New High School
51,863.00 approp. to: 1111-111114-40610 Instruction
3,800.00 approp. to: 1111-111114-40630 Pupil Transportation

The recorded roll call vote was taken as follows:

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds would be used purchase a vehicle for a Police Department Criminal Investigator. The Police Investigator went into the military for a year and other personnel in the Police Department used his vehicle. Funds received from state asset seizure will be used to purchase another vehicle for the Police Investigator.

\$11,681.00 chge. to: 1000-31010 Amount from fund balance

\$11,681.00 approp. to: 1000-310431-48251 Motor vehicles/equipment

The recorded roll call vote was taken as follows:

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

Absent – None

Bucky Berry a resident of Harrisonburg questioned if everyone had a license to operate a landscaping business in the City.

Kim Sansom said that she noticed an elderly disabled citizen struggling to get up off the ground at a bus stop on Route 33 East. She said bus stops should be safe for everyone.

At 11:05 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City. The motion was approved with a unanimous vote of Council.

At 11:37 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 11:40 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