

REGULAR MEETING

SEPTEMBER 14, 2004

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry M. Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr., Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member Hugh J. Lantz

Council Member Pace gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Council Member Pace wanted to make an addition to the draft minutes to read “Council Member Pace said that at the end of the discussion on the presentation by Eddie Bumbaugh, Harrisonburg Downtown Renaissance Director, he requested that Ms. Brodrick’s JMU class include an analysis on the economic on parking downtown.”

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes as amended and the second reading of Supplemental Appropriations for the Fire Department, Boys and Girls Club, Economic Development Department Harrisonburg Downtown Technology Zone, School Board and a law enforcement block grant. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Bucky Berry presented a plaque to Sergeant Chris Rush, a Weed and Seed Officer with the Harrisonburg Police Department, for his outstanding service in helping to clean up a new playground at Broad and Kelly Street in the City.

Planning and Community Development Director Turner introduced a request by the Harrisonburg Redevelopment and Housing Authority. She said that HRHA is requesting to rezone 2.52 acres of B-2 General Business District land to R-3C, Multiple Dwelling Residential District Conditional and B-2C, General Business District Conditional. The property is located at 181 and 241 Commerce Drive and 298 East Washington Street. Mrs. Turner then reviewed the surrounding uses in the area. HRHA proposes to develop 38 townhome units on this property along Commerce Drive. Over the past month staff has worked with HRHA on developing a plan to answer concerns identified by the Planning Commission. The revised plan is now designed to provide a buffer between the living units and the adjacent property, which is used as an

automotive facility. The applicant has proffered several uses currently allowed by right in the B-2 district including that the property would not be used for vehicle sales, vehicle repair, general service repair shops, warehousing or other storage facilities. The applicant has also offered other proffers including a six-foot privacy fence, configuration of the property by moving the storm water detainment area to the rear of the development, providing an additional buffer, and limiting the occupancy of each unit to no more than two unrelated individuals. Mrs. Turner said that Planning Commission has recommended approval of the request with the amendments.

At 7:45 p.m., Mayor Rogers closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News Record on Monday August 30, and Tuesday, September 7, 2004.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, September 14, 2004 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – HRHA: Commerce Drive and East Washington Street

Public Hearing to consider a request by the Harrisonburg Redevelopment and Housing Authority to rezone 2.52 acres of B-2, General Business District land to R-3C, Multiple Dwelling Residential District Conditional and B-2C, General Business District Conditional. The properties are located at 181 & 241 Commerce Drive and 298 East Washington Street and can be found on tax map 41-Q- 4, 4A, 6 & 7.

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. No minimum lot size restrictions exist in the B-2, General Business District.

The Zoning Ordinance also states that 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; 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 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 Rogers called on anyone desiring to speak for or against this request.

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority, said he was available to answer questions. He also noted that this project will meet many needs of HRHA. There being no others desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve the request as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request by M.N.Y. & C. for a special use permit for property located at 1037 South High Street. She said that this property is zoned M-1, General Industrial although it is occupied by an office building. The applicant has requested a special use permit to allow for a dance studio to give dance lessons and sell a small amount of dance related equipment. The primary hours of operation would be from 4:00 p.m. to 9:00 p.m. Sufficient parking is located on this property and because the peak hours of operations occur after most typical businesses in the area are closed for the day demand for parking is further alleviated. She then reviewed the surrounding uses in the area. Mrs. Turner said that Planning Commission has recommended approval of the request.

At 7:50 p.m., Mayor Rogers closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News Record on Monday August 30, and Tuesday, September 7, 2004.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, September 14, 2004 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT- 1037 SOUTH HIGH STREET

Public hearing to consider a request by M.N.Y. & C. with representative Courtney Wilson for a special use permit {per Section 10-3-37 (10)} to allow a portion of the property located at 1037 South High Street to be used as a dance studio. The property can be found on tax map 19-G-9.

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 Rogers called on anyone desiring to speak for or against this special use permit.

Ed Young, an owner of the property said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Council Member Pace offered a motion to approve the request as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request by Dr. Gregory S. Johnson to close a 4,138 square foot of an undeveloped portion of East Elizabeth Street. She explained that this portion of right-of-way is located directly behind 660 East Market Street. She then reviewed the surrounding uses in the area. The purpose of the request is to permit Mr. Johnson to purchase the land and develop it as an expansion of the current parking lot for his dental practice located on an adjacent parcel at 660 East Market Street. If this request is approved, Dr. Johnson plans to request the right-of-way and adjacent 1,745 square foot parcel to be similarly rezoned. This rezoning would be necessary to utilize the property as parking for the existing medical office. Staff review of the request indicates there is an existing 18” water main in the right-of-way. Prior to final closure, the applicant will be required to record a permanent 20’ wide Public Exclusive Water Main Easement, acceptable to the City Attorney, centered over the main. In addition, the planned parking expansion is small enough in the area that, by City and State Code, it could be constructed without plans or permits. The City Engineer has pointed out; however, there could be a drainage impact on downstream property. It is recommended that prior to recording the transfer of property, the applicant be required to provide a detailed engineered plan, with calculations, routing this runoff to the existing detention facility on the office site. She said that providing these conditions were part of the recommendation, Planning Commission recommended approval of the request.

At 7:57 p.m., Mayor Rogers closed the regular session temporarily and called the evening third public hearing to order. The following notice appeared in the Daily News Record on Monday August 30, and Tuesday, September 7, 2004.

**NOTICE OF INTENTION TO VACATE
A PORTION OF EAST ELIZABETH STREET
IN THE CITY OF HARRISONBURG
City Council Chambers
Tuesday, September 14, 2004
7:30 p.m.**

The Harrisonburg City Council will hold a public hearing on Tuesday, September 14, 2004 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Dr. Gregory S. Johnson to close a portion of East Elizabeth 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 Rogers called on anyone desiring to speak for or against approving this request. Dick Blackwell presenting the applicant said he was available to answer any questions. He said Dr. Johnson is aware the retention pond will have to be expanded to take additional water run-off. Mr. Blackwell is also preparing a new plat. There being no others desiring to be heard, the public hearing was declared closed at 7:58 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

The next item of business was authorizing the City Manager to negotiate a contract with M/A-Com for a City-County radio system. Mr. Baker reviewed the problems the City had experienced during the last 15 years regarding an outdated radio system. Five goals of a proposed radio system replacement include coverage area to meet service demands, reliability

for continuous communications, interoperability between departments and adjacent jurisdictions, ability to use new enhanced features for more effective communications to improve service, and provide for expansion of the system to meet future needs. In a report prepared by CTA Communications in April 2003 they recommended proceeding with the acquisition of a trunked simulcast radio system and that an 800-megahertz radio system would probably best serve the area's needs. In August 2003, the City and County established the Emergency Communication Center in accordance with the joint exercise of powers act outlined in the Virginia State Code. In March 2004, CTA recommended beginning negotiations with M/A-Com to finalize a contract for the purchase of the system. This work has enabled staff to reduce the initial project cost to between \$15.6 million and \$17 million depending on the success of the privatization of tower development. The committee unanimously recommended that the project be awarded to M/A-Com based on the earlier recommendation of the consultant and the Committee's determination that the M/A-Com offer is in the best long-term interest of the two jurisdictions. The City share of the \$15.6 million would be approximately \$7.1 million. In addition, the committee recommended that further discussions be held with WND to construct and manage tower development and that discussions with BRC be deferred until talks with WND are completed. It is being recommended that the Harrisonburg City Council and Rockingham County Board of Supervisors authorize the Administrative Board to begin finalizing contract terms with M/A-Com to purchase the 800 MHz communications system including beginning negotiations with WND to construct and manage of the 10 radio towers. The recommendation also includes that both localities begin to prepare financing options within the next 30 days.

Vice-Mayor Eagle commented that he was glad to see the City moving forward with a recommendation regarding the radio system.

Council Member Pace requested that staff provide perspective on various sources of revenue including any recommendations on any tax increases that may have to take place to fund this investment.

Dorn Peterson, a resident of the City, said he had spent a lot of time when he was a Council Member researching and learning about the details regarding the radio system. He questioned the reduced price, whether it was necessary that all the towers were connected by a data link, and perhaps adding an appendix to the joint agreement concerning whether the City should pay for connecting all the county schools to the internet. Harrisonburg should be upgrading the radio system modestly and be putting in a data system that covers the entire City. He said representatives from Motorola, the company that had competed with MA/Com told him the City and County did not need as many as the 14 channels called for in the current proposal. He said other specifications should be examined to determine if the City could scale down the proposed system without sacrificing quality. He also reviewed other radio systems neighboring localities have installed recently.

Vice-Mayor Eagle said he is confident the City will get the best price for a system that will be able to handle the region's anticipated growth.

Council Member Chenault offered a motion to give the City Manager and his advisory personnel authorization to negotiate a contract with MA/-Com and WND for the construction

and management of a trucked simulcast radio system for the City and County and at the same time to pursue any financing and payment options. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

The next item of business was adopting a resolution approving incurrence of debt by the Shenandoah Valley Regional Airport Commission. Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport Commission, said the commission is pursuing refinancing of existing debt issued hangar construction in 1997 and renovating exiting facilities. Harrisonburg is not responsible for any debt.

Council Member Pace offered a motion to approve the following resolution:

**RESOLUTION OF THE CITY OF HARRISONBURG, VIRGINIA
APPROVING THE INCURRENCE OF DEBT BY THE SHENANDOAH
VALLEY REGIONAL AIRPORT COMMISSION**

WHEREAS, the Shenandoah Valley Regional Airport Commission (the “Commission”) was duly established pursuant to the Code of Virginia, 1950, as amended (the “Code”), and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro, to have and exercise, on behalf of such political subdivisions, the power and authority to operate the Shenandoah Valley Regional Airport (“SVRA”).

WHEREAS, the Commission, on August 18, 2004, after the holding of a public hearing thereon, has approved a resolution (the “Commission Resolution”) authorizing among other things, the following:

(1) an aggregate up to \$1,116,000 loan funding from United States of America, acting through Rural Housing Services, an agency of United States Department of Agriculture (“RHS”), in order for the Commission to provide long-term financing for the costs to construct and equip a corporate hanger and related facilities thereto (such project being referenced herein as the “New Construction Project”); and

(2) an aggregate up to \$1,200,000 loan funding, on a taxable or tax-exempt basis, or both, in one or more series, in order for the Commission to pay the costs to (i) reconstruct, refurbish and modernize existing corporate hangar facilities at SVRA, (ii) construct and equip general public terminal areas, (iii) construct public parking facilities; and (iv) refund and refinance the outstanding amount of that certain revenue bond issued

by the Commission to Planters Bank, on September 30, 1997, in the original principal amount of \$620,615.97 (such undertakings being collectively referenced herein as the “Renovation and Refinancing Project”).

WHEREAS, pursuant to the Code and the resolution and agreement entered into by the several political subdivisions, as amended and supplemented from time to time (the “Agreement”), the Commission must request approval of each of the political subdivisions constituting the Commission in order to issue any indebtedness of the Commission.

WHEREAS, pursuant to such Commission Resolution (a copy of which is attached hereto as Exhibit A), the Commission has recommended that the governing bodies of the several political subdivisions approve the incurrence of such indebtedness by the Commission in connection with the New Construction Project and the Renovation and Refinancing Project, subject to the determination of the final terms and provisions therefor (all such undertakings by the Commission being collectively referenced herein as the “Loans”).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia (the “Locality”), as follows:

1. The incurrence of the Loans by the Commission, from time to time, is hereby approved and authorized in accordance with the provisions of the Code and the Agreement.

2. It is to be understood that the documents reflecting the terms and provisions of the Loans shall provide that such indebtedness shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Commission and the Locality, and that neither the Commonwealth nor any other political subdivision or the Commission shall be obligated to pay the principal of, premium, if any, or interest on such indebtedness or other costs incident thereto, except from the revenues pledged by the Commission therefor, all as permitted by law and described under the documentation in connection with the Loans, and the monies pledged by the respective subdivisions for the operation of SVRA, from time to time, and that neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Locality and the Commission, shall be pledged for the payment of the principal of, premium, if any or interest on such indebtedness of the Commission or the costs incident thereto.

3. This Resolution shall take effect immediately.

Adopted: _____

CITY COUNCIL OF THE CITY
OF HARRISONBURG, VIRGINIA

Mayor

CERTIFICATE

The undersigned 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 INCURRENCE OF DEBT BY THE SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION’ adopted by the City Council of the City of Harrisonburg, VA, by a roll-call at a regular meeting of the City , duly held and called on September 14, 2004. The recorded roll-call vote of the City Council is as follows:

	AYE	NAY	ABSTAIN	ABSENT
Rodney Eagle	X			
Larry M. Rogers	X			
George Pace	X			
Hugh J. Lantz				X
Charles Chenault	X			

Dated: _____

[SEAL]

**City Clerk
City of Harrisonburg, Virginia**

Council Member Pace asked if the airport commissioners had questioned a recent announcement by U.S. Air Airlines and whether this project should move forward.

Mr. Campbell said conversations have been held, but none of the items are related to the airlines or any revenue that is derived from the airlines.

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
 Council Member Pace
 Vice-Mayor Eagle
 Mayor Rogers

Absent – Council Member Lantz

The next item of business was an overview of an alternative fuel, biodiesel, by Harrisonburg Transportation Director Reggie Smith and James Madison University professor C.J. Brodrick.

Ms. Brodrick said that James Madison University adopted biodiesel on Earth Day in 2004. Biodiesel is the name of a clean burning alternative fuel, produced from domestic,

renewable resources. While biodiesel can be made out of any vegetable oil or animal fat, most is made from soybean oil. She reviewed the process for making biodiesel and noted that it is usually mixed in varying levels with traditional diesel. Biodiesel is the only alternative fuel used to improve the agricultural base, provide non-dependency on foreign-based fuel, increase vehicle performance, and greatly reduced emissions. Significant energy benefits include reduced greenhouse gas emissions, reduced odor and toxic. It is a powerful solvent and can dissolve dirt and other particles that accumulate in engines that have used petroleum-based fuels; therefore, it is introduced slowly at first to make sure engine parts don't get fueled by loose dirt. She said that biodiesel is easier to implement than other alternative fuels and is currently available in Harrisonburg.

Mayor Rogers commented that it could also help the local economy. He announced that the City and JMU is planning a "biodiesel summit" at JMU on November 15th and 16th to give the public an overview of the benefits of the fuel, and to make leaders throughout the Valley more aware of biodiesel.

Council Member Chenault said that he supported biodiesel. The presentation to Council was very helpful in pointing out the positives and negatives of the alternative fuel. It is another example of JMU working with the City.

Vice-Mayor Eagle commented that the information was very informative and he supported biodiesel.

Council Member Pace asked whether there would be an impact on miles per gallon with this product? If the price of diesel fuel changes does the price of this fuel change? How will the product be stored?

Transportation Director Smith said miles per gallon for a vehicle is about the same and the price will vary with supply and demand. Mr. Smith also said that the City has three fueling sites and one site will be used for biodiesel.

Vice-Mayor Eagle offered a motion for the City to move forward with using biodiesel. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

Parks and Recreation Director Foerster presented an overview of the Smithland Road Park Master Plan. This document is a continuation of the process set in motion from the input and recommendations of the 2003 Comprehensive Master Plan for Parks and Recreation for the City of Harrisonburg. This document was developed with input from shareholders including the soccer association, little league association, softball association, area residents, Parks and Recreation staff, general public, Community Development staff, and the consultant (Land Planning Development Associates). The 2003 Comprehensive Master Plan recommended that the property on Smithland Road be developed into a major athletic complex and neighborhood park. Much of the background information and initial public input for this project was developed during the City of Harrisonburg's Parks and Recreation Master plan process. The development of this document has been a ten-month process with input and consideration from interested

parties. The document sets up a phased plan for the development. At the August meeting of the Parks and Recreation Commission, the commission unanimously approved this plan.

Council Member Pace asked if the plan would be revisited if during site preparation unknown problems were discovered.

Mr. Forester said that a 25% contingency fund had been included in the plan to help with unknown expenses. During the site preparation of the first two soccer fields, rock was hit, which added to the expense.

Council Member Pace asked if this project was a pay as you go process.

Mr. Foerster said paying for the project was included by Parks and Recreation Commission in the plan to use funds, as they were available. The department will also be seeking grant funding.

Council Member Chenault commented that he was impressed with Phase II and the development of two full size soccer fields.

Council Member Chenault offered a motion to approve the Smithland Road Park Master Plan. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council Members present.

The next item of business was a request by Stephen Ogletree representing student organizations at James Madison University. He said that student organizations at James Madison University would be participating in a citywide campaign to raise funds for a charity entitled Student Partnership Worldwide. The purpose of this campaign is to raise needed funds for HIV/AIDS awareness and allow clinics to continue to provide free medication to children who have contacted the virus through birth. He said that JMU will hold activities on campus September 17th to help raise funding and he encouraged everyone to attend.

The next item of business was enacting Chapter 5 of Title 13 of the Harrisonburg City Code. City Attorney Thumma said that Council had requested that an ordinance be developed regulating Mopeds and other electric power-assisted bicycles. The General Assembly amended the state code requiring all individuals operating a moped to carry identification. The Police Department has reviewed these ordinances. Riders will be required to wear a helmet, and face shield or goggles. Following further discussion and comments, Council Member Pace offered a motion to adopt these ordinances for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Harrisonburg Downtown Renaissance. He said that these funds will be used to partially fund a Streetscape Study. The previous City Council approved the concept at their January 13, 2004 meeting, but did not appropriate any funds. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$20,000 chge. to: 1000-31010 Amount from fund balance

\$20,000 approp. to: 1000-910411-45888 Downtown Renaissance

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that this funding involves the additional state funding from the state legislators in the spring of 2004. The City was able to reduce its share to the school division by \$974,252.00, which leaves \$291,433,009 of state funds to be distributed to the school system. The remaining \$28,694.00 is funding, not known about, during the budget process. No City dollars are required from City Council for the school division to receive these additional funds. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$292,213.00 chge. to: 1111-32442 School Revenue-State Funds
14,134.00 chge. to: 1111-33301 School Revenue-Federal Funds
13,780.00 chge. to: 1111-31691 School Revenue-Other Funds

\$333,755.00 approp. to: 1111-111114-40610 Instruction
(38,724.00) approp. to: 1111-111114-40620 Adm./Att./and Health
26,256.00 approp. to: 1111-111114-40640 Operation and Maintenance
6,196.00 approp. to: 1111-111114-40650 Food Service
(7,356.00) approp. to: 1111-111114-40680 Technology

The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from a FEMA grant to purchase a pick-up truck. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$6,000 chge. to: 1000-33536 FEMA Assistance to Firefighters Grant

\$6,000 approp. to: 1000-320232-48151 Motor Vehicles & Equipment

The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Public Utilities Director Collins presented a request to charge off delinquent utility bills incurred through December 2003. He said that none of the accounts listed currently have service with the City of Harrisonburg; however, these accounts are currently being pursued by a professional collection service. Vice-Mayor Eagle offered a motion to write off the list of delinquent accounts. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

The next item of business was amending and re-enacting Section 7-1-16, 7-2-1, 7-4-3, and 7-4-21 of the Harrisonburg City Code. Public Utilities Collins reviewed the ordinances. Ordinance 7-1-16(c) has been revised to more closely match 7-1-15 as the latter was re-enacted June 22, 2004. This provision will allow some discretion by the Director to review payment history in determining the waiver of a deposit. Ordinance 8-2-1(c) has been added to address the construction of a ground water well within the City. Ordinance 7-4-3(d) has been added to provide the customer an opportunity to avoid penalty by documenting the postmark of the payment. Under current ordinance, the payment must be received by the City. Ordinance 7-4-2(2) has been revised to more clearly define how bills are currently calculated for multiple apartment buildings. Changing this amendment will not change the billed account. Council Member Chenault offered a motion to approve amending these ordinances for a first reading.

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Bucky Berry, a resident of Harrisonburg suggested that the City might want to designate another storm shelter other than the current one being used.

Council Member Chenault requested that the City might want to explore the needs of senior citizens of the City. He also requested that a status report be presented at the next meeting regarding renewing a franchise with Adelphia Cable. The contract with Adelphia Cable should be negotiated including service changes and other changes because this issue is very important to the community.

City Manager Baker said that the existing franchise with Adelphia Cable was extended through December 2004. The present franchise is not an exclusive franchise agreement.

Council Member Pace thanked Mr. Berry for his thoughtfulness in recognizing the Weed and Seed Officers. He also congratulated Mariam Dickler for being nominated by the school board to the Media Honor Roll of Virginia School Board Associations.

At 9:50 p.m., Vice-Mayor Eagle offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Disability Services Board, Social Services Advisory Board, Harrisonburg Board of Zoning Appeals, Harrisonburg Electric Commission and Harrisonburg Planning Commission, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

At 10:15 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 hereby 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 public business matters as were identified in

the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Eagle offered a motion that Jared Burden, 460 Andergren Drive, be appointed to an unexpired term on the Planning Commission to expire on December 31, 2006. The motion was second by Council Member Pace, and approved with a unanimous vote of Council Members present.

At 10:32 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR