

REGULAR MEETING

DECEMBER 14, 2004

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry 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; Council Member Hugh J. Lantz; George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Bucky Berry, a resident of Harrisonburg, asked that the 911 tax not be increased on telephones to help pay for a new radio system.

Shannon Patty, a resident of Harrisonburg, said she was not notified of a gang violence situation involving her son that happened at Harrisonburg High School. She has tried to contact school officials. Mayor Rogers asked Ms. Patty to express her concerns to School Superintendent Ford and School Board Chair Lacey.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a Supplemental Appropriation for the Fire Department, adjusting the fiscal year 2004-2005 budget, and adopting a Public Tree Ordinance. The motion also included borrowing up to \$400,000 and other matters related to renovations of the Lucy F. Simms Continuing Education Center. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Rogers announced that Item #6 would be removed from the agenda.

City Manager Baker presented for Council's consideration a supplemental appropriation amending the Fiscal Year 2004-2005 budget. He explained that a public hearing is required when the budget is increased by more than \$500,000. This action will increase the budget in the net amount of \$4,711,864.81 with the majority of the funds being used for the water department.

At 7:43 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, December 4, 2004.

NOTICE OF PUBLIC HEARING
City Council Chambers
Tuesday, December 14, 2004
7:30 p.m.

A Public Hearing will be held by the Harrisonburg City Council on Tuesday, December 14, 2004 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2004-2005 budget in the net amount of \$4,711,864.81.

The budget increases will be as noted below:

Revenues:

General Fund:

Amount from Fund Balance	\$5,500.00
Two for Life Funds	333.00
Federal Weed and Seed Funds	10,091.92

School Fund:

School Revenue – Other	36,900.00
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Water Fund:

Amount from Fund Balance	2,000,000.00
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Water Capital Projects Fund:

Transfer from Water Fund	2,000,000.00
Reservoir Covers	<u>2,659,039.89</u>

Total revenues	<u>\$6,711,864.81</u>
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Expenditures:

General Fund

Two for Life Fund	\$ 833.00
Salaries/Wages OT-Police	10,091.92
Maintenance & Repair to Bldg & Grounds	5,000.00

School Fund:

Technology	36,900.00
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Water Fund:

Transfer to Capital Projects	2,000,000.00
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Water Capital Projects Fund:

Water Storage Tanks	4,309,039.89
WTP Expansion	<u>350,000.00</u>

Total expenditures

\$6,711,864.81

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. There being no one desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened.

Council Member Pace said that the presentation given by Mike Collins at the November 9th meeting indicated the amount for the reservoir covers were approximately \$2.7 million. “Why has it declined by approximately \$50,000? Will there be a \$800,000 capital requisition for next year or will it remain at \$750,000?”

Public Utilities Director Collins said the 2005-2006 budget will be revised because the interim phase of the project has begun.

Council Member Lantz offered a motion to approve amending the budget for a first reading, and that:

\$2,000,000.00 chge. to: 1321-34220 Transfer from Water Fund
2,659,039.89 chge. to: 1321-9101612-48623 Reservoir covers

\$4,309,039.89 approp. to: 1321-910161-48657 Water storage tanks
350,000.00 approp. to: 1321-910161-48628 WTP Expansion

\$2,000,000.00 chge. to: 2011-31010 Amount from fund balance
\$2,000,000.00 approp. to: 2011-392061-49216 Transfer to capital projects

\$36,900.00 chge. to: 1111-31691 School Revenue-Other
\$36,900.00 approp. to: 1111-111114-40680 Technology

\$10,091.92 chge. to: 1000-33531 Federal weed and seed
\$10,091.92 approp. to: 1000-310231-41020 Salaries/wages OT

\$5,000.00 chge. to: 1000-31010 Amount from fund balance
\$5,000.00 approp. to: 1000-310131-43360 Maint. and repair to building/grounds

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

Vote: Yes - Council Member Lantz

Council Member Chenault
Vice-Mayor Eagle
Council Member Pace
Mayor Rogers

Absent – None

The next item of business was amending Section 10-3-84 of the Harrisonburg Zoning Ordinance. Planning and Community Development Director Turner said that this request will amend the uses permitted by right in the City's B-1, Central Business District, Zoning Classification. These changes were requested by the City's Economic Development Department to enhance the technology zone being implemented in the downtown area. The proposed modification occurs in Section 10-3-84 (6), which would increase the number of employees allowed in general service or repair shops from ten (10) person to no more than fifteen (15) on the premises in a single shift. The other proposed amendment allows a new use permitted by right, which is research and development activities. Currently research and development activities are allowed in the B-2 zoning classification. She said that Planning Commission has recommended approval of the request.

At 7:49 p.m., Mayor Rogers 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 29, and December 6, 2004.

NOTICE OF PUBLIC HEARING

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

ORDINANCE AMENDMENT – 10-3-84 B-1, CENTRAL BUSINESS DISTRICT

Public hearing to consider a request to amend Section 10-3-84 of the City's Zoning Ordinance. The modifications to the B-1, Central Business District would increase the number of employees permitted to work in a general service or repair shop from 10 to 15 persons, and would add research and development activities to the list of by right uses.

All persons interested will have an opportunity to express their views at this public hearing. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session

reconvened. Council Member Chenault offered a motion to approve this request amending Section 10-3-84 of the City's Zoning Ordinance 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 Lantz
Council Member Chenault
Vice-Mayor Eagle
Council Member Pace
Mayor Rogers

Absent – None

Planning and Community Development Director Turner presented the 2005-2006 through 2009-2010 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a budgetary tool that allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$30,000 or greater. She reviewed only the new projects with a priority one, two or three ranking in the report. The Fire Department has requested three fire engines. Two trucks will be replaced and one additional new truck will be needed for the proposed fire station located in the Park View area on Chicago Avenue. Another new project for the Fire Department is a Standby Electrical Generator for Fire Station #2. The Community Development Department includes several improvements planned for the Municipal Building including exterior painting, replacing windows and installing central air-conditioning. The Public Works Department includes the Stone Spring Road/Erickson Avenue extension project. The Environmental Impact Study should be finished in January and a public hearing will be held in late January. Plans should be complete by late March or early April of 2005 to allow beginning to purchase right-of-way. This department also includes numerous traffic light repairs and upgrades. The sanitation division continues to stress the importance of having funds available for the closure and monitoring of landfills. There are also truck replacements, a refuse collection truck, a recycling truck, and a transfer truck for the steam plant. The resource recovery program includes equipment that generates steam, chilled water, and electricity that Harrisonburg Electric Commission and James Madison University will reimburse the City for the labor. The Parks and Recreation Department includes resurfacing selected tennis and basketball courts renovations to the Willow Street tennis court, improvements to the athletic fields at Purcell Park, which includes new bleachers, an irrigation system, spectator covers, and fieldwork. The department will also do some fence replacements. The Smithland Road athletic facility needs a new shelter. In addition, the department will replace a comfort station in Hillendale Park. Westover Pool needs renovations to the bathhouse locker room and filter room. The complex deck needs to be renovated at Westover Pool, lights need to be replaced, and racquetball court #1 needs renovations at the community activity center. There is also a need for an auxiliary gym to be installed at the community activity center. The golf course has several large projects including buying land for the driving range and adding a fairway and greens spraying machine. The Water and Sewer fund includes low zone distribution improvements, Eastern Source Development project, and on-going projects include oversizing and extensions, the western raw waterline, tank rehabilitation and potable water storage, repairing watermains, and improving the Smithland Road area. Sewer funding includes repairing sewer mains and accessories, oversizing and extensions, the upgrade of the Blacks Run interceptor, and inflow

and infiltration subsections work. The Transportation Department includes two paratransit bus replacements and school bus additions. Although the school board has not adopted a Capital Improvement Program, Dr. Don Ford has indicated that the roof at Waterman Elementary School needs to be replaced and boilers at the intermediate school, which were installed in the 1950's need to be replaced. The School Board is also looking for land for a fifth elementary school. Mrs. Turner said that Planning Commission recommended adopting the Capital Improvement Program.

Council Member Pace suggested utilizing the \$400,000 in capital project monies for Country Club Road as a source of funds to accelerate the completion of Port Republic Road from Devon Lane to Neff Avenue. He said probably \$400,000 is not enough to complete the project, but it should be a high priority especially if the machinery is in place. He questioned why information was not included in the CIP to consider a four-lane Reservoir Road to the eastern City limits. He also suggested having a law enforcement section in the CIP for the communication project. Another new section should be titled Economic Development to budget dollars anticipated to be spent over the next two-three years on projects similar to the technology zone or children's museum.

Vice-Mayor Eagle requested accelerating the East-West Connector. "Is there anything that can be done to speed up construction of this road?"

Public Works Director Jim Baker reviewed a time frame of the project. He said that if funding is available the project can be accelerated.

At 8:12 p.m., Mayor Rogers 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 Saturday, December 4, and Saturday, December 11, 2004.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 14, 2004, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

The proposed Capital Improvement Program, for fiscal years 2005-2006 through 2009-2010. The Capital Improvement is a multi-year projection and scheduling of capital projects of \$25,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

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

Any 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 adopting the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 8:13 p.m., and the regular session reconvened. Council Member Chenault offered a motion to adopt the Capital Improvement Program as presented including recommendations by Council Member Pace and Vice-Mayor Eagle comments incorporated as additional recommendations. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

John Aldridge, a representative from Brown, Edwards & Company, presented the 2003-2004 Comprehensive Annual Financial Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Government Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. He gave a brief overview of the report. Mr. Aldridge expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

The next item of business was a request to create a Harrisonburg Downtown Technology Zone. Economic Development Director Brian Shull said that the City has been well served by the concept of technology zones. In January of 1998, Council adopted a Technology Zone on the North end of the City. Harrisonburg Technology Park encompasses 23 acres of land. He reviewed the companies, which have located within the Technology Park. City staff believes that the creation of the Harrisonburg Downtown Technology Zone will be just as successful.

Assistant Economic Development Director Jim Barnes handed out copies of an article, which appeared in the Richmond Times Dispatch highlighting the technology zone and the Harrisonburg Innovation Center. The Harrisonburg Downtown Technology Ordinance was prepared by the Economic Development staff with a tremendous amount of input from the Harrisonburg Downtown Renaissance Economic Development Committee and the Harrisonburg Downtown Technology Zone Advisory Committee. This particular zoning ordinance provides a designated area in the Central Business District to house technology companies, not just in the Innovation Center at One Court Square, but throughout the Central Business District. The idea

provides a new opportunity for economic growth and new jobs. “We are not talking about taking a business in Harrisonburg and relocating it to downtown, but we are talking about having a place where we can bring new businesses in. It may be a company currently in Harrisonburg, but a likely scenario is that the firm would start a new division downtown.” This provides a catalyst for growth. The Harrisonburg Downtown Technology Zone is located in historic downtown Harrisonburg, using the streets as a geographic barrier. The northern border will be East Elizabeth Street, the western border will be South Liberty Street, the southern border will be Bruce Street and the eastern border will be South Federal Street. Properties fronting either side of these border streets shall be included within the zone. The Harrisonburg Downtown Technology Zone will be administered by the City Manager or his designee. A very comprehensive review and evaluation process for qualifying companies to be included in the Harrisonburg Downtown Technology Zone has been prepared. A series of incentives will be offered to entice companies to locate in the One Court Square building. Mr. Barnes reviewed some of the incentives including a 25% reduction on property taxes for machinery and equipment in Year One after certification, a three-year BPOL exemption, exemption for water and sewer connection fees and renewal fees for a period of two years after a company has been certified, a partial exemption for certain rehabilitations, renovations, or replacement of structures as defined with Section 4-2-28 of the Harrisonburg City Code. The final proposed incentive is adding one additional year of BPOL tax exemption for businesses locating in the HIC.

Council Member Pace questioned whether it was necessary for the City to provide the fourth year of BPOL exemption for businesses locating within the HIC. Council Member Lantz wanted to know the staff’s reasoning for offering the fourth year. Mr. Barnes said a very aggressive incentive plan was put together in order to entice businesses to locate in the Harrisonburg Innovation Center.

Mr. Barnes commented there are two companies who are strongly considering moving to HIC within the near future.

Council Member Chenault offered a motion to create the Harrisonburg Downtown Technology Zone as presented with the exception that bullet number five under Section six regarding the 4th year BPOL exemption within HIC be eliminated. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA REGARDING THE CITY’S SUPPORT FOR THE HARRISONBURG**

**CHILDREN’S MUSEUM BEING DEVELOPED WITH ASSISTANCE FROM THE
HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”), in order to enhance an appreciation for history and culture in the City of Harrisonburg, Virginia (the “City”), to provide for the rehabilitation and improvement of a building in the downtown area of the City and to prevent the adverse social and economic conditions that can arise from the potential deterioration of an existing facility in the downtown area, and to enhance the welfare of the citizens of the City, has decided to acquire, rehabilitate and improve property known as the A & N building which is located at 150 South Main Street in the City (the “Property”);

WHEREAS, it is anticipated that the Authority will borrow up to \$750,000 for a term of no more than 15 years at an interest rate not to exceed 5.00 percent per year (the “Loan”) from one or more banks (together, the “Lender”) to provide financing for the acquisition, rehabilitation and improvement of the Property and that such loan will be documented by a loan or financing agreement, note or other similar documents (together, the “Loan Documents”);

WHEREAS, the Authority will purchase the Property and then lease the entire Property to the Harrisonburg Children’s Museum, a Virginia corporation (the “Museum” and the “Lease”). The Property shall be operated by the Museum exclusively as a children’s museum and education center, with such additional activities reasonably related to the charitable mission of the Museum;

WHEREAS, the City Council of the City of Harrisonburg, Virginia (the “City Council”) has requested the Authority to take the actions described above for the purposes of: enhancing an appreciation of history and culture, rehabilitating and improving the Property, preventing the adverse social and economic conditions that can arise from the potential deterioration of a building in the downtown area of the City, and to enhance the welfare of the citizens of the City;

WHEREAS, to encourage the rehabilitation and improvement of the Property and its development as a children’s museum, the City will enter into an agreement with the Authority (the “Support Agreement”) in which the City will agree that if the revenues actually received by the Authority from the Lease are not sufficient to pay the costs of operating, insuring and maintaining the Property and paying the debt service and other costs due under the Loan Documents, the City has a moral, but non-binding, obligation to pay moneys to the Authority in such amounts and at such times as will allow the Authority to pay such costs and debt service in a timely manner;

WHEREAS, all payments due from the City under the Support Agreement will be subject to and conditioned upon the City Council making annual appropriations to make such payments and if such appropriations are not made, such payments will not be made; and

WHEREAS, in reliance upon the City entering into the Support Agreement, the Authority will purchase the Property and enter into the Loan Documents with the Lender.

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

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

2. The City will have a moral, but non-binding obligation to make payments under the Support Agreement in amounts sufficient to allow the Authority to make up any shortfalls from the revenues actually received by the Authority from the Lease to pay the costs of operating, insuring and maintaining the Property and paying the debt service and other costs due under the Loan Documents. Is it expected that such payments will not exceed \$10,000 per month for a term of fifteen years. The Support Agreement will provide that the City Manager or other officer charged with the responsibility for preparing the City's annual budget shall include in the budget for each fiscal year as a single appropriation an amount sufficient to cover such shortfall. Throughout the term of the Support Agreement, the City Manager or other officer charged with the responsibility for preparing the City's annual budget will be required to deliver to the Authority within 10 days after the adoption of the annual budget for each fiscal year, but not later than 10 days after the beginning of each fiscal year, a certificate stating whether such amount has been appropriated by the City Council in such budget.

3. The Support Agreement will set forth the City's obligation to make payments under the Support Agreement in amounts sufficient to allow the Authority to make up any shortfalls from the revenues actually received by the Authority from the Lease to pay the costs of operating, insuring and maintaining the Property and paying the debt service and other costs due under the Loan Documents to the extent necessary, all subject to annual appropriation by the City Council.

4. In the event that the Property ceases to be used as a museum as set forth in this Resolution and that the Property is sold by the Authority, the City shall be reimbursed for all payments made under the Support Agreement to the extent that proceeds are available to pay for such reimbursement exclusively from the net proceeds of sale of the Property after all indebtedness and other costs incurred for the purchase, development, maintenance and sale of the Property have been paid.

5. The City Council approves the signing of the Support Agreement, and authorizes and directs the City Manager, the Mayor or the Vice-Mayor, any one of whom may act, to execute and deliver the Support Agreement in such form as they shall approve as shall be necessary to accomplish the intended purposes of the Support Agreement. The execution of the Support Agreement shall be deemed to evidence such approval.

6. Pursuant to Code of Virginia § 36-19, the City approves of the Authority's formation of a limited liability company (the "L.L.C.") and agrees that such L.L.C. may purchase the Property and may perform all of the acts anticipated to be performed by the

Authority in this Resolution at the option of the Authority. The City further agrees that the Support Agreement may be modified to provide that payments be made to the L.L.C. at the option of the Authority.

7. The City Manager, the Mayor and the Vice-Mayor are also each authorized to take such other actions and to execute such other documents as are necessary to achieve the purposes set forth in this Resolution.

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

READ AND ADOPTED: December 14, 2004

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading of a resolution titled “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA REGARDING THE CITY’S SUPPORT FOR THE HARRISONBURG CHILDREN’S MUSEUM BEING DEVELOPED WITH ASSISTANCE FROM THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY” taken at a regular meeting of the City Council held on December 14, 2004:

	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney L. Eagle, Vice Mayor	X			
Charles R. Chenault	X			
Hugh J. Lantz	X			
George W. Pace	X			

Dated: December 14, 2004

By: _____
Mayor or Vice Mayor,
City of Harrisonburg, Virginia

(SEAL)

ATTEST: _____
Clerk, City Council of the City of
Harrisonburg, Virginia

Jim Henderson, President of Harrisonburg Children’s Museum, said this proposal allows the Harrisonburg Redevelopment and Housing Authority to purchase and renovate the A & N Building to provide a permanent home for the Harrisonburg Children’s Museum, which has a brief, but exciting history. Since a small group of citizens first met in January 2002 to discuss

the idea of a children's museum, this community-driven effort has grown into a wonderful place for children to learn as well as being an asset and great benefit to the community. HCM is a wonderful place for families to spend time together. During the period from October 2003 to October 2004, approximately 20,000 people came downtown and through the museum doors. The museum offers special programs and workshops providing exciting opportunities for children to explore and learn.

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, said the authority has begun negotiations to acquire the A & N Building at approximate value of \$495,000. It is anticipated that the authority will borrow up to \$750,000 to purchase and provide additional funds to assist and stabilize the building. HRHA hopes to initiate a study immediately to begin a 90-day evaluation period of the building.

Following further discussion and comments, Council Member Pace offered a motion to adopt the resolution subject to a 90-day review on the condition of the building. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker said that Council adopted a resolution at its November 23, 2004 meeting authorizing the Harrisonburg Redevelopment and Housing Authority to proceed with its efforts to acquire One Court Square for the development of Harrisonburg Innovation Center. Mr. Baker also said under the Code of Virginia Section 36-19, the authority is a political subdivision of the Commonwealth with public and corporate powers having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including powers granted if the local governing body approves to form corporations, partnerships, joint ventures, trusts, or any other legal entity, which is needed to acquire One Court Square. Vice-Mayor Eagle offered a motion to approve HRHA's planned purchase of all of the membership interests in One Court Square, LLC. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, who pointed out that a lot of tonight's agenda dealt with downtown issues. These issues included First Night, Technology Zone, Children Museum and it is very clear that this community and Council is very supportive and involved in downtown revitalization. The City has been designated as an official "Virginia Main Street Community". He handed out copies of accomplishments and goals achieved during the last quarter and noted that the Organization Committee held a volunteer appreciation lunch and entertainment event for over 100 volunteers. The Promotion Committee is responsible for maintaining a positive image of downtown and planning special events. The goal is to take the lead or support other organizations having at least one downtown event per month. Halloween on the Square, day after Thanksgiving, and holiday parade were very successful events. The Design Committee is responsible for improving the appearance of downtown and historic preservation. He announced that on December 1, 2004 the Department of Historic Resources declared downtown Harrisonburg a "Historic District". The City should receive the national designation within 60 days. In addition, HDR has worked with Frazier and Associates for the development of a Revitalization and Streetscape Plan. The Economic Development Committee is strengthening existing businesses and attracts new businesses. Mr. Bumbaugh reviewed new businesses in the downtown area. The parking study conducted by JMU classes is almost complete and the results will be presented at a February Council meeting. He requested Council's approval to close Bruce Street to Elizabeth Street on June 11, 2005 from 7:00 a.m. to 6:30 p.m., for the Court Days Festival. He revealed six new designated Main Street community signs to be displayed in the City. Vice-Mayor Eagle offered a motion of approval the request to close certain streets for Court Days Festival. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was authorizing the final contract for the emergency radio communication system. City Manager Baker said that City Attorney Thumma and the City's bond counsel have reviewed the contract with MA/COM. He said that Sun Trust Bank has offered a lease/purchase agreement at 3.76% and he recommended proceeding with it. The City's share should be approximately \$7.1 million for fixed equipment and \$1.3 million for the non-fixed equipment. Because of previous bank qualified debt issued by the City there is only \$5.74 million left in this calendar year. Closing must take place before the end of the year to keep the interest rate. MA/COM should have the system finished in 15 months. Council Member Chenault offered a motion to approve the contract to finalize the system purchase with MA/COM emergency radio communication system. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to name a new street between Main Street and South High Street “Manuel Trenary Avenue”. Danny Cox, President of the local Fraternal Order of Police and a 22-year veteran of the Harrisonburg Police Department, suggested naming a proposed east-west connector road between South High Street and Main Streets “Manuel Trenary Avenue”. He said that the lodge chose the connector road since the project is still in the planning stages. Also, coincidentally Sergeant Trenary’s widow lost her life at the intersection of High Street and Erickson Avenue due to injuries she received in a car accident. He said City staff has expressed objections because the street would have three names and could cause confusion with emergency vehicles. City Manager Baker said that causes problems with the post office when the City changes street names. Mr. Baker suggested keeping the existing names while adding an honorary title and designating the street as the “Manuel Trenary Memorial Highway”. Following further discussion and comments, Council agreed to table the request and asked Officer Cox to take Council’s suggestion back to lodge members.

City Attorney Thumma presented for Council’s consideration repealing Section 6-1-17 of the Harrisonburg City Code. He said this ordinance is not needed because a public tree ordinance was adopted tonight. Council Member Lantz offered a motion to repeal Section 6-1-17 of the Harrisonburg City Code for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented a certified receipt of 2004 government election results provided by the Electoral Board.

President and Vice-President of the United States

John F. Kerry and John Edwards	4726
George W. Bush and Dick Cheney	6165
Michael A. Peroutka and Chuck Baldwin	20
Michael Badnarik and Richard Campagna	66

House of Representatives

R. W. “Bob” Goodlatte	7704
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Council Member Chenault offered a motion to accept the election results and asked the City Clerk to enter the names into the official minutes. The motion was seconded by Council Member Lantz, and 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 thirteenth year of entertainment and family fun for the citizens of Harrisonburg and the surrounding area. She also requested that the fireworks display be approved. Plans for this year are similar to those of past years requests for street closing and sanitation crews. However, because of a recent fire at the Saint Stephens Church it may be necessary to have an optional site and she requested using Council Chambers if it became necessary. Council Member Lantz offered a motion to approve First Night's request for its activities and fireworks display, if necessary using Council Chambers for entertainment, and to close certain streets. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Bucky Berry, a resident of Harrisonburg, said the City should inquire about possible grant money to assist in tracking snowplow trucks.

Mayor Rogers commented that Harrisonburg High School Blue Streaks and James Madison University Dukes have had a great football season. Council agreed to recognize and honor these football teams.

Council Member Pace said that he and Council Member Chenault had the opportunity to attend a celebration event at Keister Elementary School. He congratulated the administration, faculty and students at the school for receiving "A Blue Ribbon Award" from the United States Department of Education.

At 9:35 p.m., Council Member Chenault 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 Electric Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority, and Harrisonburg Planning Commission exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business interest in locating within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion of plans to protect public safety and briefings by staff members and law enforcement concerning actions taken to respond to such activity or a related threat to public safety, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(20) of the Code of Virginia. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 11:14 p.m., the closed session ended and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I 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.

Council Member Chenault offered a motion that Cheryl Risley, 1703 Central Avenue Avenue, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2007. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Jackie Thomas-Suggs, 548 Virginia Avenue, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 2008. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Michael Wong, 447 Northfield Court, be appointed to an unexpired term on the Blue Ridge Disability Services Board to expire on February 1, 2007. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Price Lineweaver, 23 Tamela Court, be appointed to a first term on Harrisonburg Electric Commission to expire on December 31, 2007. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

At 11:16 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

