

## REGULAR MEETING

JANUARY 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; Carolyn W. Frank; Council Member Dorn W. Peterson; Council Member Hugh J. Lantz; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member 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 repealing and re-enacting Section 4-2-24, 4-2-26, 4-2-27, and amending Section 10-3-85 of the Harrisonburg City Code. The motion also included the second reading approval of a Supplemental Appropriation for the Transportation Department and approving a special use permit request by Shenandoah Telecommunication Company (Shentel) for a first reading. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented the 2004-2005 through 2008-2009 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a budgetary tool that allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$25,000 or greater. She reviewed only the new projects with a priority one or two ranking in the report. A new Park View Fire Station has been requested in the budget. She said that Planning Commission is recommending that a final study be conducted to evaluate whether new land should be required at a more accessible location on a more suitable street for the new fire station to service the Park View area. There are several improvements planned for the Municipal Building including exterior painting and replacing windows. The Public Works Department includes West Elizabeth Bridge replacement, Country Club Road Bridge, Port Republic Road improvement Phase II, East Market Street improvement turning movements, pedestrian safety along East Market Street, and accelerate the construction of the Erickson Avenue/Stone Spring Road Connection. The Parks and Recreation Department includes improvements to the banks of Blacks Run through Purcell Park, additional restroom facilities at Smithland Road athletic fields, Purcell Park athletic field improvement, and playground equipment replacement at Ralph Sampson Park, replacing the gymnasium floor at the Recreation Center, Westover Pool Bathhouse renovation, and Ramblewood Athletic Field

renovation. The Smithland Road project continues in the Department of Water and Sewer fund. Other programs in the department includes Western Raw Water line project, Eastern Source Development and Blacks Run interceptor upgrade. The Transportation Department includes school bus additions. A large project included in the Sanitation Fund is the Material Recovery Facility. A request has been included to pave the golf cart paths during the next several years in the Golf Fund summary. Mrs. Turner said that Planning Commission recommended adopting the Capital Improvement Program with an addendum of four recommendations. 1) Move construction of the Erickson Avenue/Stone Spring Road Connector forward as quickly as is feasible. 2) Consider placing any needed new elementary school in the Smithland Road or Vine Street area. 3) Increase the priority ranking of improvements to Chicago Avenue and Mt. Clinton Pike. 4) Evaluate whether new land should be acquired at a more accessible location along a better street than Chicago Avenue for the new fire station to service the Park View area.

At 7:40 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, January 3, and Saturday, January 10, 2004.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 13, 2004, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:**

**The proposed Capital Improvement Program, for fiscal years 2004-2005 through 2008-2009. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$25,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.**

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

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

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

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

Mayor Fitzgerald called on anyone desiring to speak for or against approving the Capital Improvement Program.

Bill Whalen, a resident of the City, expressed concern that City Council only received one introduction of future appropriations. He also questioned how closely projects were reviewed and whether there might be any mismanagement regarding various departments.

Mayor Fitzgerald said Council was familiar with City projects. The Capital Improvement Plan projects had also been reviewed at least three times during the past year. Mayor Fitzgerald also said that real estate taxes had not been increased since 1993. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened.

The following discussion by Council Members included: Questioned whether a more appropriate location was available for a new fire station in the Northwest section of the City; and whether Planning Commission should be recommending a possible location for a new elementary school.

Council Member Lantz offered a motion that City Council adopt the Capital Improvement Plan as presented excluding the four recommendations by Planning Commission. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by Michael Chadwick Layman and Brookstone Investments to rezone 22 lots. She said that Mr. Layman owns Fine Earth, a landscape business located at 1126 and 1204-1218 North Main Street. The applicant is requesting to rezone the property from Conditional B-2 zoning classification and several adjacent lots which are zoned R-2 Residential District all to a Conditional B-2 Zoning classification. The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development, but need careful controls to ensure compatibility with adjacent land uses. She reviewed the surrounding uses in the area. The applicant first came before the Planning Commission in 1998 to request the initial change in zoning from R-2 to B-2C. At that time the applicant wanted to rezone this property along North Main Street from R-2 to B-2, to allow for a landscape business. A single family home adjacent to the property and owned by the applicant was left as R-2 to allow for continued residential use. She said that Planning Commission and City Council approved that request. Proffers were placed on the B-2C portion of the property at that time to restricted hours of operation, lighting, signage, and by right uses. Fine Earth has operated at the site with no complaints from neighbors for the past five years. To allow for the expansion of Fine Earth's operation, the owner/applicant has requested a change of zoning for recently acquired land adjacent to the current business, and an adjustment of existing proffers for the property already conditionally zoned B-2C. The home that remained under the R-2 zoning at the time of 1998 rezoning is now included in the request for B-2C consideration. Staff recommended unifying the

property under one set of proffers to allow for ease of understanding and enforcement of these restrictions. Mrs. Turner reviewed the new proffers offered by the applicant as well as the original proffers approved by Planning Commission and City Council in 1998. She said that Planning Commission has recommended approval of the request.

At 8:01 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 29, 2003 and Monday, January 5, 2004.

### **NOTICE OF PUBLIC HEARING**

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

#### **REZONING – FINE EARTH**

**Public hearing to consider a request by Michael Chadwick Layman and Brookstone Investments, L.L.C. to rezone 22 lots from R-2, Residential District to B-2C, General Business District (Conditional) and adjust the proffered conditions on 10 lots zoned B-2C. The total area for these adjoining lots is 2.6 acres. The properties are located at 1126 and 1204-1218 North Main Street and can be found on tax map 42-C-29-44, 85-100.**

**The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.**

**The Zoning Ordinance states that the current R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft./unit. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.**

**Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings.**

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

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Fitzgerald called on anyone desiring to speak for or against this rezoning request.

Chad Layman owner of Fine Earth said that he wants to expand his business. He said that he wants to make the property more attractive by adding water gardens and landscaping. He described his business as not having a lot of customers coming into the office and most of the employees go to the job site. There being no others desiring to be heard, the public hearing was declared closed at 8:03 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by CCD, LLC, with representative Paul Cline for a special use permit. She said that CCD, LLC has requested the special use permit to allow the Harrisonburg Travel Center to continue as a conforming use in the B-2, General Business District. The City's zoning ordinances in the B-2 zoning classification changed on October 1, 2003. The purpose of the special use permit process is to give the City more control as to how businesses with the potential to create an adverse impact on surrounding neighbors and the City as a whole operate in the B-2 district. Harrisonburg Travel Center recently had plans approved to make some modifications to their site including relocating gas facilities and expanding the parking area. She reviewed the surrounding uses in the area. City staff identified a few concerns regarding the impact of this facility on the surrounding area. She said that Planning Commission recommended that the applicant separate truck traffic from car traffic entering onto the site. Staff supports a favorable recommendation of this request with the following conditions. 1) A solid, opaque privacy fence, no less than six (6) feet in height shall be constructed along the rear property line from the point where the adjoining property owner's chain link fence stops to the northern property boundary. 2) The tree buffer along the southern property boundary will be maintained. If any major event takes place that reduces the level of coverage provided by the existing plant material, the owner will replace and maintain new landscaping material that will provide buffering that is similar to what is in place at the time of the special use permit approval. 3) The existing two northern most entrances shall be marked entrance only. Should at some point the two entrances be combined into one, it too shall be marked as entrance only. The southern most entrance shall be marked exit only. 4) The curb islands marked on the approved site plan will be constructed eight (8) feet in width and shall be planted and maintained with natural landscaping material that shall include shrubs and/or trees. She said that Planning Commission recommended approval of the request.

At 8:14 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 29, 2003 and Monday, January 5, 2004.

## **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, January 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 - CCD, LLC**

**Public hearing to consider a request by CCD, LLC, with representative Paul Cline for a special use permit {per section 10-3-91 (3,10,11) of the Zoning Ordinance} to allow the Harrisonburg Travel Center to continue to be a conforming use. The property is located at 3355 South Main Street and can be found on tax map parcels 104-G-8, 9 (9.991 acres).**

**Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings.**

**Any individual requiring auxiliary aids, including signers, in connection with the public 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 Propst representing Harrisonburg Travel Center said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 8:15 p.m., and the regular session reconvened. Vice-Mayor Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was considering a request to designate “Stone Spring Village” a residential permit parking zone area. Police Chief Harper recommended that the “Stone Spring Village” area be approved and included in the blue zone permit parking area. He said that although the area does not meet the criteria for permit parking, at times the situation meets beyond the code requirement especially on weekends. He also recommended that the area be designated as a tow-away zone.

David Fisher, a neighborhood resident and a member of the Virginia State Police said that he has made several arrests in the neighborhood including drunk in public, underage possession, indecent exposure and littering.

Anthony Bailey, a neighborhood resident and Assistant Commonwealth Attorney in the City thanked City Council for the opportunity to be heard regarding this matter. He said that the problem began approximately two years ago. During the football season from Thursday evening until Sunday evening it is difficult for residents or their guests to get in or out of the neighborhood. It has become a safety hazard because a fire truck or rescue squad vehicle could not get into the neighborhood. Residents are concerned about safety of the children, sense of security and general welfare.

City Attorney Miller said the ordinance states that 25% of the spaces need to be occupied by non-residents during a “significant number of days”. Mr. Miller said, “It is my determination that the area does meet the criteria of the area in accordance with the City Code.” Council Member Lantz offered a motion to include the Stone Spring Village area in the blue permit parking zone and that the area be made a tow-away zone. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was a brief presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance to consider providing funding for Harrisonburg Downtown Renaissance Streetscape Study. He said that the Harrisonburg Downtown Renaissance Group believes the Streetscape Plan is an important part of downtown revitalization. The plan includes specific guidelines for sidewalks, crosswalks, signage, recommended plantings, and parking recommendations. It is a public private partnership encouraging cost sharing from HRHA, several utilities companies, and non-profit organizations. He requested funding assistance from the City up to \$20,000 to conduct the study. He also said that the design firm would be asked to recommend a staging process using grants if available. Since this project is a community plan there will be an opportunity for public input.

Bill Whalen expressed his concern that appropriating money for this development would be the beginning of a multi-million dollar program costing the taxpayers money. Council Member Peterson offered a motion to approve the request supplying funding for this project up to \$20,000 depending on the bids from the design firms. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was a brief presentation by Gianna Gariglietti, Executive Director of (CASA) Citizens Against Sexual Assault. She said that CASA provides the Harrisonburg/Rockingham County community with a 24-hour sexual assault crisis hotline, counseling, advocacy and prevention/education programming for groups and schools. CASA recently began providing first response to the RMH emergency room for sexual assault cases to assure that the proper law enforcement and medical personnel are called. This ensures timely response to victims of sexual crimes and saves valuable police time. All of CASA's services are provided free of charge. Recently CASA applied for and received a grant from the Family and Children Trust Fund. This collaborative grant is shared with the Harrisonburg Police Department, Rockingham County Sheriff Department, and Rockingham Memorial Hospital.

The next item of business was a discussion concerning safety regulations for mopeds and motorized scooters. Council Member Rogers said as a result of their increasing numbers and presence on public rights-of-way, and associated safety concerns, some Virginia localities have begun regulating the use of mopeds and motorized scooters. The City of Martinsville recently adopted an ordinance regulating mopeds and motor scooters. Police Chief Harper said his department has contacted legislators regarding the problem. He reviewed the Virginia law and said that Harrisonburg has had a fatality. Following further comments and discussion, Council agreed to refer this issue to the Harrisonburg Transportation Safety Commission to look into what rules and policies the City might want to consider. Council also agreed to consider a resolution reiterating the Police Chief Harper's request to the state.

The next item of business was a discussion regarding whether to add a public comment period to the agenda. This issue was discussed at the November 25<sup>th</sup> meeting with a request for the City Attorney to report back to City Council. Mr. Miller said he would be more comfortable in this context with restricting content rather than speaker. It is assumed that "Public" means anybody. An example would be if somebody from Harrisonburg wanted to lecture the Council on a resolution being considered by the United Nations in New York, Council could determine they don't need to spend the time listening to that person. But, if somebody is traveling through the area from Minnesota and takes an interest in a rezoning request and wants to speak, that traveler should be allowed to speak because the traveler is part of the public. He said there is nothing wrong with Council asking a speaker what is your interest or connection to Harrisonburg.

The following discussion by Council Members included: Questioned asking speakers appearing before Council to wait until the end of the meeting to speak; adding a public comment period after the consent agenda; and limiting comments from the public on matters not on the regular agenda. Council requested that City Attorney Miller prepare the language for an ordinance change for the January 27th meeting adding a public comment period at the beginning of the agenda after the Pledge of allegiance.

City School Business and Finance Director Triplett presented a request for a supplemental appropriation for the School Board. He said that the School Board is requesting architect fees for renovations of the current high school. He also said that \$140,601.55 will

come from the VPSA 03 B Refund Bond Savings with the balance of \$34,398.45 coming from the School's Unappropriated Fund Balance.

Council Member Peterson said that the seventh and eighth grade students could move into the current high school; however, it is not set up for team teaching. However, it is not an efficient use of funds to move students and then renovate the school at a later time while the students are in the school. Council Member Peterson offered a motion to approve this request.

Council Member Frank said, "When you are short of funds, you are short of funds." She said that she couldn't support spending the money at this time.

Council Member Lantz said that it was premature to approve this funding until Council makes a decision whether to move forward with a bond to renovate the high school. Until that decision has been made, it is not appropriate to spend money at this time.

Vice-Mayor Rogers said that he agreed with Council Member Lantz and offered a motion to table this item.

Mayor Fitzgerald reminded Council there was a motion on the table to approve the request.

Council Member Peterson withdrew his motion to approve the request.

Mayor Fitzgerald asked for a vote on tabling the topic of architect fees for renovations for the current high school. The motion to table was approved with a unanimous vote of Council.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from the sale of excess Federal military property at a City auction. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$2,000 chge. to: 1000-31907 Sale of used equipment

\$2,000 approp. to: 1000-310431-48151 Motor vehicles and equipment

The recorded roll call vote was taken as follows:

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds will be used to purchase new weapons for Police Officers. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$20,164.32 chge. to: 1000-31010 Amount from fund balance, asset seizure-state

\$11,634.15 approp. to: 1000-310231-48111 Machinery & Equipment (replace)

4,731.25 approp. to: 1000-310231-46100 Police Supplies

3,798.92 approp. to: 1000-310231-48211 Machinery & Equipment (new)

The recorded roll call vote was taken as follows:

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds received through the United States Department of Justice, Homeland Security will be used to purchase a HP scanner. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$127.95 chge. to: 1000-3534 Homeland Security Funds

\$127.95 approp. to: 1000-310231-48211 Machinery and Equipment

The recorded roll call vote was taken as follows:

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

Absent – None

Public Works Director Baker presented a request for a supplemental appropriation for the Public Works Department. He said these funds were donated by Greener Harrisonburg to purchase 15 trees, which were planted in the Municipal Parking Lot. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$2,104.50 chge. to: 2015-31809 Donations/Contributions

\$2,104.50 approp. to: 2015-410641-46140 Other Operating Supplies

The recorded roll call vote was taken as follows:

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

Absent – None

Public Works Director Baker presented a request for a supplemental appropriation for the Public Works Department. He explained that these reimbursement funds were received from Crown American Hotels for their participation in improvements at the intersection of Linda Lane and the access road to the Sheraton Hotel. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$65,122.00 chge. to: 1310-31914 Recovered Costs

\$65,122.00 approp. to: 1310-910141-48620 Burgess Road Extension

The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Public Utilities Department. He explained that these funds will be used to make repairs to the Silver Lake Dam. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$50,000 chge. to: 2011-31010 Amount from Fund Balance

\$50,000 approp. to: 2011-372061-48181 Buildings & Grounds

The recorded roll call vote was taken as follows:

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

Council Member Peterson  
Mayor Fitzgerald

Absent – None

Bill Whalen a resident of Harrisonburg said that the downtown renovations could be a major financial issue for the City.

At 9:15 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of discussion, interviews or consideration of candidates for appointment to board and commissions. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The closed session will also be for the purpose of the 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 Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the Code). The closed session will also be for the purpose of discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the City. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.5 of the Code of Virginia (1950), as amended (the Code). The recorded roll call vote was taken as follows:

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

Absent – None

At 10:30 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge 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 in the closed session by the City Council.

Council Member Peterson offered a motion that Arthur E. Albrecht, 881 Blue Ridge Drive, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2007. The motion was approved with a unanimous vote of Council.

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

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CITY CLERK

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MAYOR

## REGULAR MEETING

JANUARY 27, 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; Carolyn W. Frank; Council Member Dorn W. Peterson; Council Member Hugh J. Lantz; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading approval of a Supplemental Appropriation for the Police Department, Public Works Department, and Public Utilities Department. The motion also included the second reading rezoning 22 lots located at 1126 and 1204-1218 North Main Street. The recorded roll call vote was taken as follows:

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

Absent – None

Harrisonburg Redevelopment and Housing Authority Michael Wong presented a request to increase the City's budgeted revenues and expenditures. The City has issued bonds to fund the renovation of the Simms School Building. It is requested that City Council increase the budget so that these funds can be expended for the renovation.

At 7:39 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, January 20, 2004.

### NOTICE OF PUBLIC HEARING

**A public hearing will be held by the Harrisonburg City Council on Tuesday, January 27, 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 2003-2004 budget in the amount of \$6,036,867. These funds are the proceeds from the recently completed \$5,905,000 bond issue and funds from the General Fund balance. The funds will be used to renovate the**

**Simms School Building and make the first debt payment on the Simms School Renovation debt.**

**The budget increases will be as noted below:**

<b>Revenue</b>	
<b>General Fund:</b>	<b>\$101,097</b>
<b>Amount from fund balance</b>	
<b>General Capital Projects Fund:</b>	
<b>Bond proceeds</b>	<b><u>\$5,935,770</u></b>
<b>Total revenues</b>	<b><u>\$6,036,867</u></b>
<b>Expenditures:</b>	
<b>General Fund:</b>	
<b>Simms School Building debt</b>	<b>\$101,097</b>
<b>General Capital Projects Fund:</b>	
<b>Simms School Building Renovation</b>	<b><u>\$5,935,770</u></b>
<b>Total expenditures</b>	<b><u>\$5,935,770</u></b>

**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 increasing the City's budgeted revenues and expenditures. There being no one desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. The recorded roll call vote was taken as follows:

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

Absent – None

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

The next item of business was considering amending and re-enacting Title 11 (Building Code Regulations), of the Harrisonburg City Code. Building Official Baldwin said these changes are proposed to delete obsolete language of the City Code and to bring the City's building regulations into agreement with the State Law and the Virginia Uniform Statewide Building Code. It is also being requested that the Building Code Board of Appeals be increased to nine members allowing mechanical, plumbing, electrical, and fire trades to be represented on the board. Council Member Peterson offered a motion to approve amending and re-enacting Title 11 the Harrisonburg City Code for a first reading. The recorded roll call vote was taken as follows:

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

Absent – None

Elly Swecker, Executive Director Harrisonburg-Rockingham Free Clinic, presented an update of the clinic's programs. She said that the clinic provides outpatient health services to the uninsured in the community. She said many volunteers supporting the clinic allow it to keep funding where it is most needed. Volunteers are the foundation of any free clinic. She reviewed the eligibility criteria and noted that 52% of the caseload comes from Harrisonburg and the remainder of the caseload from Rockingham County. Patients are encouraged to take responsibility for their own health. The clinic provides some prevention services, pharmaceutical supplies, medical counseling, social work coordination program, diet counseling, and a dental clinic. She reviewed other services provided by the clinic and thanked City Council for their support.

Council Members agreed by unanimous consent to discuss an issue introduced by Council Member Frank.

Council Member Frank said that Marcia DuBois, Executive Director of Valley Associates for Independent Living (VAIL), has requested an exemption from Harrisonburg's admissions tax. VAIL is paying an admissions tax for a fund-raising event. Harrisonburg's Commissioner Hosaflook sent a letter to Marcia DuBois stating the City's admissions tax ordinance does not allow an exemption from the tax unless a non-profit's fund-raising event is wholly charitable. Commissioner Hosaflook suggested that perhaps City Council would be willing to consider an ordinance amendment allowing one or more exemptions per year on events held for charitable purposes. Following further discussion and comments, Council Members directed City Attorney Miller to prepare the proper language for an ordinance amendment.

The next item of business was considering authorizing the City Manager to proceed with a preliminary engineering study of a new railroad location. Mr. Baker said that Congressman Goodlatte convened a meeting of Norfolk Southern, JMU, County and City representatives to discuss the possibility of relocating the railroad out of JMU's campus. A preliminary

engineering study is necessary for the railroad to make a determination of the feasibility of moving the tracks. The estimated cost of the study is \$250,000. JMU has agreed to provide \$150,000 toward the cost and Rockingham County has agreed to provide \$25,000 toward the cost of the engineering study. The remainder would come from the City. Following further discussion and comments, Council agreed by consensus to authorize City Manager Baker to advertise for proposals for the engineering study with the assumption being that the cost of the engineering study will be approximately \$250,000.

The next item of business was considering adopting the State Holiday Schedule. City Manager Baker said that Council's approval is being sought to change the City's holiday observance schedule to match that of the State. The change is being sought for standardization purposes relative to the City's service to the public. Current state law requires constitutional offices (Treasurer, Commissioner of the Revenue, etc.) as well as the courts, social services and health departments to follow the state holiday schedule. When the state recognizes a holiday that the City does not or vice versa, it creates issue of confusion and sometimes irritation with the public who come to City offices to transact business and find some offices that they need access to open and others closed. It should be noted that Rockingham County follows the state holiday schedule. The number of City-recognized holidays would be 13 rather than the current 12 because Lee-Jackson Day will be added and Christmas Eve will be exchanged for Columbus Day. If approved the effective date of the change will be July 1, 2004. Council Member Peterson offered a motion to approve the change in the Personnel Policy Manual. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration an ordinance amending Section 9-1-1 of the Harrisonburg City Code. He said that the Parks and Recreation Commission has recommended that the City Code be amended to allow the composition of the commission to be changed to include two (2) members from the west, two (2) members from the east and two (2) at large members. Council Member Peterson offered a motion to amend Section 9-1-1 of the Harrisonburg City Code for a first reading. The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker presented for Council's consideration an ordinance amending and re-enacting Section 13-1-60.01 of the Harrisonburg Code. He said that this ordinance amendment adds residents of "Stone Spring Village" into the blue zone permit parking area and also designates the area as a tow-away zone. Council Member Peterson offered a motion to approve amending this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers  
Council Member Peterson  
Council Member Frank  
Mayor Fitzgerald

Absent – None

Mayor Fitzgerald presented for Council's consideration an ordinance amending and re-enacting Section 2-2-23 of the Harrisonburg Code. City Attorney Miller said that he had been directed at the January 13<sup>th</sup> Council meeting to prepare the language for this ordinance change. Section 2-3-23 "General order of business" will be amended by adding a new subsection (4) inserting comments from the public, limited to five minutes, on matters, which are not on the regular agenda before the consent agenda. The remainder of the agenda will be renumbered. Council Member Peterson offered a motion to approve amending this ordinance for a first reading. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was considering construction bids for the Emergency Communications Center and the new Harrisonburg Police Department, both to be located at Harrison Plaza. Assistant City Manager Hodgen said that the low bid received for the ECC project was approximately \$1,650,000 or \$800,000 higher than the architect estimate. Because the bid was not acceptable to the City and County for the communication center portion of the project, he recommended that it be rejected, but recommended proceeding with the Police Department renovations. The bid for that portion of the project was \$890,992. The number could increase or decrease by approximately \$15,000-\$20,000 as a result of the ECC project being separated from the project. The architect's estimate was about two years old and was based on square footage of the building. Specialized equipment and grounding requirements were not accounted for. He said that the City has the funding in a public safety capital projects account. Following further discussion and comments, Council Member Peterson offered a motion to approve awarding the contract for the Police Department renovations. The recorded roll call vote was taken as follows:

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

Absent – None

George Rontopoulos, a resident of the City, said caution should be used before passing regulations and amending ordinances designating buildings or areas as a historical district. He presented newspaper articles from the City of Tampa, Florida regarding historical designation and what can happen to residents and business owners. He said there are other ways to make the Harrisonburg downtown area more attractive to visitors rather than designating the area as historical.

Bill Whalen, a resident of the City, said that he was not in favor of using taxpayer's money to stimulate the downtown revitalization program.

Council Member Frank offered a motion to appoint Susie Dinsmore, 1136 Sharpes Drive, to a term on the Golf Course Advisory Committee. The motion was approved with a unanimous vote of Council.

At 8:45 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of discussion, interviews or consideration of candidates for appointment to board and commissions. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The closed session will also be for the purpose of the 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 Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the Code). The closed session will also be for the purpose of discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the City. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.5 of the Code of Virginia (1950), as amended (the Code). The recorded roll call vote was taken as follows:

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

Absent – None

At 9:35 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 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 in the closed session by the City Council.

Council Member Peterson offered a motion that Eldon Kurtz, 555 East Wolfe Street, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2006. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Richard A. Baugh, 79 Hope Street, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 2007. The motion was approved with a unanimous vote of Council.

At 9:37 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

FEBRUARY 10, 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; Carolyn W. Frank; Council Member Dorn W. Peterson; Council Member Hugh J. Lantz; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Captain Wilfong. Absent: Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Leonard VanWyk representing the Shenandoah Valley Bicycle Club presented a plaque to Jim Baker, Director of Public Works. He said that a building boom in the City left street planning for bicycling lanes in a dismissal state. However, approximately 10 years ago the beginnings of the Harrisonburg/Rockingham Bicycle Plan migrated into the current Harrisonburg Bicycle Plan. Several high profile projects included bicycle lanes in the plans. These things would not have happened without the support of Public Works and particularly its point man Jim Baker. Mr. VanWyk then presented a plaque from the Shenandoah Valley Bicycle Club to Mr. Jim Baker as a token of its appreciation.

Mr. Baker thanked the Shenandoah Valley Bicycle Club, City Council and citizens of Harrisonburg for all of the support.

Members from the cast of Bye Bye Birdie presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 19-22. City Council was invited to attend the performances.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading amending and re-enacting Section 13-1-60.01 (b) and Title 11 (Building Code Regulations) of the Harrisonburg City Code. 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 Ellen DeSarno represented by Attorney Steven Blatt for a special use permit. She said that Ellen DeSarno has requested a special use permit to allow her property at 1320 Port Republic Road to

be used as a child day care center under Section 10-3-34(1) of the City's Zoning Ordinance. Currently, the property is being used as a convenience store/food market, which is a non-conforming use in the R-1, Single-Family Residential District; however, since the property was annexed into the City in 1983 it was allowed to continue as a non-conforming use. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Low-Density Residential. She said that if the building was converted to a day care center, additional parking spaces would be needed on the site. Staff has recommended that the operation of the day care center be limited to between the hours of 6:00 a.m. and 9:00 p.m. The site will also need to meet all of the building code requirements for the City for this change of use, as well as licensing through the Virginia Department of Social Services in cooperation with the Virginia Department of Health. She said that Planning Commission has recommended approval of the request.

At 7:45 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, January 26, and Monday, February 2, 2004.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, February 10, 2004, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **SPECIAL USE PERMIT – DESARNO PROPERTY**

**Public hearing to consider a request by Ellen DeSarno, with representative Steven Blatt for a special use permit {per Section 10-3-34 (1) of the Zoning Ordinance} to allow the property at 1320 Port Republic Road to be used for a child care facility. The property is zoned R-1, Single-Family Residential District and can be found on tax map 88-C-6.**

**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. Steven Blatt an attorney representing the applicant said that Mrs. DeSarno would like for her daughter to take over the former "University Market", which existed for many years on Port Republic Road. Her daughter wants to operate a day care center at this location. The building on the property was built in 1960 before Rockingham had any type of zoning. Since the Port Republic Road corridor has completely changed Mrs. DeSarno's business has been impacted by

the way other businesses have been allowed to go into this same corridor. She wants to retire and let her daughter operate a day care center at this location. He commended the staff for finding ways for adaptive uses for properties that undergo change so the number of vacant buildings is minimized and keeping the building on the tax roles. Mr. Blatt said that a surveyor has determined that it is not possible to put in the additional parking spaces. Currently there are 17 unmarked spaces on the site. He said they are trying to fit in a play area on the site under Department of Social Services regulations and trying to reconfigure six more parking spaces. He encouraged Council to approve the special use permit.

Bucky Berry a resident of Harrisonburg encouraged Council to approve the special use permit request.

There being no others desiring to be heard, the public hearing was declared closed at 7:58 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Peterson offered a motion to table this request until a future meeting. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Rudolph Dean to amend Section 10-3-97 of the Zoning Ordinance, to allow recreational and leisure-time activities in the M-1, General Industrial District by special use permit. The City currently allows these uses as a use permitted by right in the B-2 zoning classification. Mr. Dean wants to open a paintball facility in the M-1, General Industrial District. City staff supports this proposed ordinance amendment. As a special use, the City will be able to make sure that all recreational uses are safe and appropriate for specific industrial areas. It will also allow the City to regulate how much industrial land is used for recreational purposes. She said that Planning Commission recommended approval of the special use permit.

At 8:02 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 26, and Monday, February 2, 2004.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, February 10, 2004, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **ORDINANCE AMENDMENT – RECREATIONAL USES IN THE M-1 ZONING DISTRICT**

**Public hearing to consider a request by Rudolph Dean to amend Section 10-3-97 of the Zoning Ordinance, to allow “recreational and leisure-time activities” in the M-1, General Industrial District, by special use permit.**

**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.

Rudy Dean said that he was a resident of Rockingham County and operates a business within the City selling and servicing paintball equipment. Paintball is the fastest growing sport in the world and if played correctly it can be a lot of fun. Currently children have to travel out of the Harrisonburg area to play the game. A facility has been found on the north end of the City that is zoned General Industrial. The land and building border commercial property. There being no others desiring to be heard, the public hearing was declared closed at 8:09 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was setting a public hearing date to consider a recommendation from the Harrisonburg Parking Authority. City Manager Baker said the Harrisonburg Parking Authority has recommended that City Council consider the sale of the Alfred Ney parking lot on North Main Street. Economic Development Director Brian Shull said negotiations are continuing and that many questions remain concerning this recommendation. The Parking Authority wanted to set a public hearing to give the development group an opportunity to present its whole proposal and to hear public comments.

Council Member Peterson offered a motion to set a public hearing date for February 24<sup>th</sup>.

Council Member Lantz questioned whether Council was following normal procedures regarding this recommendation. He suggested that the development group make a presentation before City Council regarding why this recommendation would be in the best interest for the City to sell the property.

Council Member Peterson withdrew his motion to schedule the public hearing date.

Council Member Lantz offered a motion to invite the development group to appear before City Council with explanations regarding why this recommendation is in the City's best interest to sell the parking lot. The motion approved with a unanimous vote of Council.

The next item of business was considering a proposed revision of a fee schedule for Westover Pool and Picnic Shelter reservations. Parks and Recreation Director Foerster said that at the January meeting the Parks and Recreation Commission approved a fee schedule for Westover Pool and revised the shelter reservations fees. The Commission felt that fees for non-City residents should be higher than fees for City residents. Following further comments and discussion, Vice-Mayor Rogers offered a motion to approve the revised fee schedule. 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 for Council's consideration an amending and re-enacting Section 6-2-5 of the Harrisonburg City Code. He said that the Transportation Safety Commission has recommended that the City Code be amended to add language including construction material, debris, dumpsters, and unlicensed construction equipment. Adding this language to the code will make it clearer that obstructing public streets creates a safety hazard and will not be permitted. Council Member Lantz offered a motion to amend Section 6-2-5 of the Harrisonburg City Code. 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 for Council's consideration an amending and re-enacting Section 9-1-1 of the Harrisonburg City Code. He said that the Parks and Recreation commission has recommended that the City Code be amended to allow the composition of the commission to be changed to include two (2) from the west, two (2) from the east and two (2) at large members. Council Member Lantz offered a motion to amend this section of the City Code for a first reading. The recorded roll call vote was taken as follows:

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

Council Member Lantz  
Mayor Fitzgerald

Absent – None

Council Member Peterson offered a motion to amend and re-enact Section 2-3-23 of the Harrisonburg City Code for a second reading. 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 discussion of a School Board proposal. Mayor Fitzgerald said that the School Board has asked for a meeting of the Liaison Committee. He had two questions for Council concerning a Liaison meeting. 1) Should Council send a second person or add a second person to the committee? 2) If a Liaison Committee meeting is held, what do we tell them?

Council Member Peterson said that he thought Council had made it very clear at the last City Council/School Board joint meeting. Council needs plans presented that do not include building a new elementary school anytime soon. Previously submitted plans for renovations at the old high school would be using a significant amount of space for central offices. Will there be enough space to accommodate future growth at the school?

Council Member Lantz said he was concerned if funding approval hinged upon the school board requesting that another new elementary school be built.

Council Member Frank said that she was not in favor of appropriating any funding for renovations to the current high school.

Following further discussion and comments, Vice-Mayor Rogers offered a motion that Council not fund another new elementary school. The motion was approved with a 4-1 vote with Mayor Fitzgerald voting no.

The following discussion by Council Members included: Questioned whether renovations are needed at the old high school; a plan for how the old school building will be used; Council will not fund a new elementary school; focus being on what the City can afford to spend, not on the details of the plan for the old high school; every new tax dollar the City has received for the last ten years has gone toward the school budget; and the City at this time cannot afford a new elementary school. Council directed City Manager Baker to ask the School Board whether they still wanted to schedule a Liaison Committee meeting.

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through a reimbursement Division of Motor Vehicle grant for traffic enforcement overtime and an in-car video camera. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$15,096.76 chge. to: 1000-33524 DMV Federal grant

\$10,806.76 approp. to: 1000-310231-41020 Salaries/wages

4,290.00 approp. to: 1000-310231-48211 Machinery & equipment new

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 Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from asset seizure funds to purchase a steel frame storage locker for the SWAT van. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$4,190.00 chge. to: 1000-31010 Amount from fund balance

\$4,190.00 approp. to: 1000-310231-48211 Machinery and equipment new

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 Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from the Department of Criminal Justice Services to purchase body receivers, binoculars, and video camcorder. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$5,000.00 chge. to: 1000-31901 Recoveries/rebates

\$5,000.00 approp. to: 1000-310231 48211 machinery & equipment new

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 Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were donated by the Shenandoah Valley Kennel Club to be used for the purchase of K-9 protective vest. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$695.00 chge. to: 1000-31809 Donations

\$695.00 approp. to: 1000-310231 46100 Police supplies

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

Public Works Director Baker presented a request for a supplemental appropriation for the Public Works Department. He said that these funds are partial reimbursement from Kimco Realty Corporation for participation in installation of a traffic signal at East Market Street and Evelyn Byrd Avenue. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$50,000 chge. to: 1000-31914 Recovered costs

\$50,000 approp. to: 1000-410741-48111 Machinery & 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

Bill Whalen a resident of Harrisonburg said that the downtown renovations should not include taxpayer's money. Taxpayers money is suppose to be spent for the common good, not the good of the special interest that will benefit very handsomely.

Bucky Berry, a resident of Harrisonburg said that the trailers at the schools are unsafe.

Council Member Lantz questioned why the agenda cover sheet did not include who requested the item be placed on the agenda.

At 9:00 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of discussion, interviews or consideration of candidates for appointment to boards and commissions. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The 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 Peterson offered a motion that Steven Hottle, 267 Campbell Street, Carl Wassum, 1169 Westmoreland Drive, and Craig Miller, 2821 Osceola Springs Road, be appointed to a term on the Board of Building Code Appeals to expire on November 30, 2004; John N. Neff, 456 Myers Avenue, John C. Sease, 560 Neff Avenue, and Ray Landes, 5604 Battlefield Road, to a term on the Board of Building Code Appeals, to expire on November 30, 2005; Orden L. Harman, 650 Stone Spring Road, Leon Armentrout, 3031 South Main Street, and Henry Morris, 1926 Port Republic Road, to a term on the Board of Building Code Appeals to expire on November 30, 2006. The motion was approved with a unanimous vote of Council.

At 9:20 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 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 in the closed session by the City Council.

Council Member Peterson offered a motion that Joe Bowman, 1155 Rockingham Drive, be appointed to a sixth term on the Shenandoah Valley Airport Commission to expire on January 28, 2007. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Ben Melton, 241 Paul Street, be appointed to a fifth term on the Blue Ridge Disability Services Board to expire on February 1, 2007. The motion was approved with a unanimous vote of Council.

At 9:37 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

FEBRUARY 24, 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 Member Carolyn W. Frank and Dorn W. Peterson; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member Hugh J. Lantz.

Council Member Frank gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Mayor Fitzgerald requested the unanimous consent of Council Members present to change the agenda by adding a Community Development Block Grant Program update. This agenda item will be number 17A.

David Briggman a resident of Rockingham County thanked City Council for adding this agenda item to the Council meeting. He questioned why Purcell Park had a sign stating "Do Not Play in the Park when it is below 32 degrees". Council requested that City Manager Baker check into the reason for the sign being in the park.

Bill Whalen a resident of Harrisonburg insisted that taxpayers' money was being spent on property acquisitions, property donations, historical destination of the downtown area, setting up the Downtown Renaissance Group, contributing \$20,000 for streetscape, and removing height limits downtown. He said most government programs have waste and better management is needed to save something for a rainy day. Taxpayer's money should be spent for the common good.

Bucky Berry a resident of Harrisonburg commented that Harrisonburg has a great Police Chief.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading approval of several Supplemental Appropriations for the Police Department and Public Works Department. The motion also included the second reading amending and re-enacting Section 10-3-97 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

At 7:43 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 14, and Saturday, February 21, 2004.

### NOTICE OF PUBLIC HEARING

**The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY04-05. This application is for Federal and State funds under the Federal Transit Administration 49USC Section 5307.**

**A public hearing for this application will be held on Tuesday, February 24, 2004, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.**

**Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 23, 2004 at 540-432-0492; or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, Va 22802.**

Transportation Director Smith explained that this is the annual application for operating funds for the state formula assistance and capital assistance funds. This is the first time Harrisonburg has applied directly to the Federal Government for funding under the Federal Transit Administration Section 5307. Mr. Smith said the annual operating expenses are approximately \$1.9 million of which \$1.6 million is for transit service. Total operating revenues is \$762,154. The City receives approximately \$500,000 in Federal operating assistance and \$400,000 in formula funds from the state. He also said that some of the funds will be used to purchase two para-transit vehicles and a lift for low floor transit buses.

Betty Newel President of Community Association for Rural Transportation (CART) said that CART works very closely with the Harrisonburg Transit Department. She also said she supported the 5307 application for funds. There being no others desiring to be heard, the public hearing was declared at 7:45 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve the resolution. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

Phoebe Kilby, lead consultant representing the consulting firm of Sympoetica, presented for Council's consideration an update of the City of Harrisonburg's Comprehensive Plan. She recognized the Comprehensive Plan Advisory Committee Members consisting of Planning Commission Members, City Council Members, and City staff members who developed the draft Comprehensive Plan. She said that it took a collaborative effort of the committee members, staff and citizen representatives. The Comprehensive Plan presents a vision for what kind of

community the City would like to be in the future and identifies steps the City can take to work towards this vision. It is a long-term guide for the community. It is a twenty-year plan to deal with all the issues of the physical development of the City. The Comprehensive Plan vision statement for the City is: The City of Harrisonburg, where citizens are inspired to work together to create a great place to live, to raise a family, to learn, to work, and to prosper. Sixteen goals were designed to help the City achieve the vision. 1) To improve the quality and compatibility of land use and development. 2) To promote novel patterns of development like those developed early in the City's history; vital, well-planned, and well-integrated mixed housing and mixed-use urban areas of distinct character. 3) To strengthen existing neighborhoods and promote the development of new neighborhoods that are quiet, safe, beautiful, walkable, promote social interaction and offer a balance of housing choices. 4) To meet the current and future needs of residents for affordable housing. 5) To provide a wide and equitably distributed range of educational and cultural opportunities for all ages. 6) To celebrate the City's heritage and preserve and protect its historic resources as essential elements of the City's economic health, aesthetic character and sense of place. 7) To preserve and enhance the City's natural resources and encourage development that is compatible with nature. 8) To meet the recreation needs of every citizen by providing comprehensive leisure opportunities and developing and maintaining a safe, well-distributed parks and recreation system. 9) To develop a safe and convenient transportation system serving all modes of travel such as automobile, pedestrian, bicycle, and transit. 10) To support a vital City with community facilities, infrastructure, and services that are efficient, cost effective and conserving of resources. 11) To ensure the public safety and encourage the provision of excellent health services to all people. 12) To maintain and enhance the City's role as the economic and tourism hub of the region offering a wide variety of jobs in those sectors that enhances the City's ability to expand its economic base. 13) To enhance and revitalize existing residential and commercial areas. 14) To coordinate and collaborate with Rockingham County, Rockingham Memorial Hospital, James Madison University, Eastern Mennonite University, and others to meet these goals. 15) To engage citizens to work collaboratively in planning, developing, and promoting the City as a great place. 16) To keep this plan vital and useful by regularly reviewing its recommendations and the progress made towards meeting them. She said that the Plan Framework Map is an important policy map in the plan because it provides an overview of the main themes addressed in the Comprehensive Plan. It highlights areas where some degree of change is encouraged or anticipated, including City gateways, or entry points into the City. The City wants to improve its image and attractiveness by improving the appearance of the landscape and signage at these points. Corridor enhancement areas are also shown on the map. Those are areas along the major roadway corridors into the City. The plan recommends looking at ways to improve the condition and quality of those corridors. The greenway park system is also shown on the map. New low density and medium density mixed residential areas are shown on the map. The map identifies a downtown revitalization area, Edom Road as an area of interest for revitalization, and improving older neighborhoods of the City. The next important element of the plan is the Land Use Guide. The Land Use Guide designates every part of the City for some future land use. There are several categories of land use ranging from low density to high density residential. This guides future decisions regarding growth and development. Another important element is the Master Transportation Plan. The City had a master street plan, which focused on streets, but this plan combines all the transportation elements including roadways, greenways, and bikeways.

The Comprehensive Plan is very ambitious and includes setting objectives and strategies for each of the 16 goals. The Comprehensive Plan includes priorities to begin working on. One is to

develop a zoning approach to implement the new mixed residential neighborhoods. Second, to address incompatible land uses through the zoning ordinance text and map. Third, to limit the conversion of single-family homes to duplexes and apartments. The City wants to develop standards to improve the design quality of all new resident development. Another priority is to increase the availability of affordable housing for a variety of income levels. The City also wants to develop design standards for streets. There is also an economic development strategy to recruit new businesses and job creations. The City hopes to promote downtown revitalization and prepare communities for neighborhood improvement projects. She said that Planning Commission held a public hearing and recommended approval of the plan with several amendments, which included suggestions about medium density residential and medium density mixed residential on the land use guide in both categories under certain circumstances. The Planning Commission also wanted to add an existing zoning map, a Parks and Recreation Plan map, a City Water and Facility Sewer Map, and a preference to acknowledge everyone who worked on the Comprehensive Plan.

At 7:58 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 9, and Monday, February 16, 2004.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 24, 2004, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider the following:**

#### **COMPREHENSIVE PLAN – 2004 UPDATE**

**Public Hearing to consider the draft update to the City's Comprehensive Plan. The City of Harrisonburg Comprehensive Plan presents a vision of what kind of community the City would like to be in the future and identifies the steps required to move toward that vision. The plan provides information about the City's current conditions, long-term goals and objectives, and recommended implementation strategies. It addresses a wide range of issues, including land use, housing, transportation, infrastructure, the preservation of historic and natural resources, and economic development. Decisions on subdivision requests, rezonings, and special use permits are influenced by a proposed project's relationship to the Comprehensive Plan.**

**A draft copy of the Comprehensive Plan along with maps and other information is available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. This information can also be viewed on the Community Development website at [www.ci.harrisonburg.va.us](http://www.ci.harrisonburg.va.us). Click on the Comprehensive Plan link.**

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

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

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

Mayor Fitzgerald called on anyone desiring to speak for or against the Comprehensive Plan. There being no one desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened.

Council Member Peterson read the following preface: The City of Harrisonburg expresses appreciation to the members of the Comprehensive Plan Advisory Committee who have dedicated countless hours to the preparation of this Comprehensive Plan. The members of the committee are Art Albrecht, Shelley Baker, Richard Baugh, Les Bolt, Greg Coffman, Debra Stevens Fitzgerald, Joseph Fitzgerald, James Huffman, Dorn Peterson, J.M. Snell, Robert Steere, Carl Wassum, and David Wiens.

Vice-Mayor Rogers expressed his appreciation to all of the members of Comprehensive Plan Committee. Council Member Frank offered a motion to approve the 2004 Comprehensive Plan. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

The next item of business was a brief presentation by James Shield representing the Virginia Resources Authority. He said the Virginia Resources Authority was started in 1984 in Richmond by the state of Virginia to help local governments get lower interest rates on their bond issues. He reviewed the key features of the financing loan programs. VRA monitors all outstanding issues for refinancing opportunities. He said in 1995 Harrisonburg issued bonds for the Solid Waste Facility and now has the opportunity to save money by refinancing the bonds. Harrisonburg should save \$227,269 of total debt service savings over the remaining life of the loan by refunding the bonds at today rates. He reviewed a time table schedule for the City should it be decided to proceed with refunding the bonds. VRA will continue to monitor the savings and advise City Manager Baker of any changes.

The next item of business was a presentation by LENEEA, owners of a facility at 90 North Main Street. John Neff, representing LENEEA, said that the group consisting of David Lee, Rodney Eagle, John Neff, Mensel Dean and Clyde McDaniel has developed a Master Plan for the facility at 90 North Main Street, which is partially occupied. The majority of the space in the building is not occupied. The group hopes to create a pedestrian gateway, utilize public parking, and renovate a long narrow building into a two-story facility. The group is requesting a long-term lease on six spaces in the eastern end of the Ney parking lot and three spaces in the middle of the lot to accommodate a new entryway from the Ney parking lot to Elizabeth Street. Plans for the building have been discussed with the City's Economic Development Director Brian Shull and the Parking Authority. Mr. Neff reviewed a previous request, which had been discussed with representatives from the City, representatives from the Downtown Retail

Merchants Association, and the Parking Authority. He also said the group has scaled back its request in response to concerns over the loss of public parking. The revised request includes changing traffic patterns on East Elizabeth Street to one-way heading west. One proposal suggested that nine parallel parking spaces could be added on the south side of Elizabeth Street. This addition of nine spaces would counterbalance the nine spaces requested for lease by LENEEA. However, LENEEA would prefer to widen the sidewalk and not add this additional parking.

The following discussion by Council Members included: Private investment funding being used to renovate a downtown building; City should make renovations to parking deck; uncertain which improvements will be made by the group especially related to the walkway; lighting improvements will help with safety; City has made significant investments in the downtown area; requested a report from the Public Works Department on the long-term effects of making Elizabeth Street one way. Council agreed to hear public comments concerning this request at the next Council meeting and also asked the Public Works Department to provide a report regarding the proposed improvements.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, presented a brief summary of HDR's progress and accomplishments during the last three months. He said that HDR is thankful for the investment that the City of Harrisonburg has made in downtown revitalization. The group has 100 volunteers logging in more than 3,000 hours. Members of the community including property owners, business owners, organization representatives, and citizens at large, have supplemented the investment that the City of Harrisonburg has made with their own contributions. He said that since HDR began operations, several shops have been lost downtown; however, several new businesses are moving downtown. People's confidence and hope is at a much higher level as a result of a partnership that has been formed with the City, HDR, the private sector, and other organizations. Mr. Bumbaugh reviewed and summarized several projects the four committees of HDR have been working on. A plan to re-establish Court Days on June 12, 2004 has been delayed until 2005. The group is excited about working in partnership with Citizens for Downtown, which sponsors music concerts every other Friday on the Square during the summer. In order to compliment the summer music concerts, plans are underway to offer movies on the square on the alternate Fridays. He said plans and details still need to be finalized; however, he asked to close a portion of Court Square on the west side and south side contingent upon City officials and shop owners giving approval. He also briefly reviewed Jamestown 2007, which is hoping that every community in the state will plan something to celebrate the heritage of the area.

The 2004 Virginia Main Street program is the most successful and effective model for downtown revitalization with over 20 years of experience. Neighboring cities approved as designated communities include Staunton, Waynesboro, Lexington, Lynchburg, Winchester and 12 other communities in the state. On February 11, 2003, Council supported the City's application to be an affiliate member. This year the Department of Housing and Community Development is opening up to three or four new communities the option of becoming a designated community. Mr. Bumbaugh requested that Council pass a resolution authorizing participation in the Virginia Main Street Program, giving Harrisonburg an opportunity to immediately implement one component of the new Comprehensive Plan. There is some urgency because the application deadline is April 16, 2004. There is no cost involved other than time. It

will benefit the City by having a more intense working relationship with the Virginia Main Street staff, training on how to collect data on economic indicators, specialized workshops for downtown merchants, facade improvement drawings, and tourism advantages.

Steve Knickrehm, representing the Board of Harrisonburg Downtown Renaissance, presented a request to display banners downtown. He said that HDR would fund a set of banners around Court Square and move outward as funding was available. The banners would promote a “welcome to downtown” theme and would be switched to promote other events in the downtown area. It could provide a lot of visual interest and also let people know about upcoming special events. He requested Council’s permission to work with the City Attorney and Community Development Director to change the City Code by allowing a banner display on the light posts in the downtown area. Council agreed to allow HDR to work with the City Attorney to draft an amendment to the sign ordinance.

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

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE VIRGINIA MAIN STREET PROGRAM AND DESIGNATING HARRISONBURG DOWNTOWN RENAISSANCE TO COORDINATE ALL PROGRAM APPLICATION ACTIVITIES.**

**WHEREAS, the Virginia Main Street Program has been established in the Virginia Department of Housing and Community Development to assist localities in developing public/private efforts to revitalize their downtown commercial areas, and whereas, up to four Virginia cities, towns, and counties will be selected to participate in the on-going program, and receive intensive technical assistance from DHCD for at least five years.**

**WHEREAS, the City of Harrisonburg desires to participate in the Virginia Main Street Program.**

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG.**

**SECTION 1. That the City of Harrisonburg applies for selection to participate in the 2004 Virginia Main Street Program with the specific goal of economically revitalizing the designated Main Street district within the context of historic preservation using the Main Street Approach™;**

**SECTION 2. That the City of Harrisonburg meets the population criteria and that the proposed Main Street district contains at least 50 commercial enterprises and 70 commercial structures;**

**SECTION 3. That the City of Harrisonburg has an organization, Harrisonburg Downtown Renaissance, that is dedicated to the revitalization and on-going management of the designated Main Street district;**

**SECTION 4. That the City of Harrisonburg guarantees that it will be a financial partner with Harrisonburg Downtown Renaissance for at least five years to ensure:**

- A. a sustainable Main Street program operating budget will be funded;**
- B. a Main Street manager will be employed;**

**C. an adequate level of clerical support will be provided to the Main Street executive director;**

**SECTION 5. It is recognized that downtown revitalization requires an on-going commitment, continuous attention, and a full public-private partnership. The Main Street program is considered one of many economic and community development tools used by a locality.**

**SECTION 6. That the City Manager and appropriate administrative staff are authorized to assist in the submission of the application.**

**ADOPTED THIS 24<sup>th</sup> day of February, 2004**

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**MAYOR, CITY OF HARRISONBURG**

**ATTEST**

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**CLERK OF COUNCIL**

The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

Council Member Peterson offered a motion to appoint City Manager Roger Baker to serve as Harrisonburg representative on the Jamestown 2007 Committee. The motion was approved with a unanimous vote of Council Members present.

An agenda item to consider a request by Daniel Newberry and Graddison was removed from the agenda because it doesn't require any action by City Council.

Planning and Community Development Director Turner introduced a request by Jared Scripture to plat 32 lots zoned R-1, Single Family Residential District, with a variance to the subdivision requirement that all front on a public street. She said that the property is located at 620 Garbers Church Road. The Comprehensive Plan designates this area as Low-Density Residential. She reviewed the surrounding uses in the area. The applicant is requesting approval of a preliminary plat that would allow for the creation of a neighborhood of 32 single-family home lots on nearly ten acres of land adjacent to Garbers Church Road and the City owned golf course, Heritage Oaks. The concept is to provide large homes on modest sized lots, while still meeting the lot requirements for the R-1 zoning district. Access to all of the housing units is through a network of private streets that are included within the buildable lots of the development. This community will also be unique in that it is age restricted to individuals 55

years of age and older. Age restricted communities also see fewer trip generations per household than would be found in a typical neighborhood. Normal single-family neighborhoods generate on average ten vehicle trips per day from each home. The number of trips generated from retirement communities drops to an average of six trips per day. There is minimal potential for school age children to be living within this neighborhood, thus eliminating the need for school bus service. She said in lieu of sidewalks, the applicant plans to have a five-foot path adjacent to the roadway for pedestrians and golf cart traffic. The plans call for an unmanned kiosk as well as a place to locate the community's mailboxes. Along with the neighborhood's close proximity to the golf course; additional amenities include a community leisure court and gazebo area. The leisure court would be directly adjacent to the existing cemetery on the property and would consist of an area for lawn bowling, shuffleboard, and horseshoe pits. She said because of the benefits and the potential for a novel single-family home development in the City, Planning Commission unanimously recommended approval of the request. Vice-Mayor Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

Planning and Community Development Director Turner presented a brief review of Planning Commission 2003 Annual Report. Mrs. Turner said the report contained requests for rezonings, special use permits, preliminary plats, street/alley closings, a master plan, and ordinance/comprehensive plan amendments. The report is available for review on the City's web site.

Planning and Community Development Director Turner introduced a request by Robert Knicely to have City water provided to a small private school, which will be located off of Mt. Clinton Pike in Rockingham County. She said that a recently adopted water moratorium ordinance allows the City to provide water to properties located within Rockingham County with the proper approval. Public Utilities Director Collins evaluated the request and recommended supplying water to the applicant. She said that Planning Commission has recommended approval of the request. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

Dr. Cathy Slusher a member of the Harrisonburg City Board presented a report on Limited English Proficient (LEP) and "No Child Left Behind Act" in the Harrisonburg Schools. The schools and their needs have changed dramatically during the last 10 years. The schools are

experiencing population growth, increased diversity, program changes, more resources requirement; facilities accommodating fewer students, and greater importance of maintaining small class sizes. All children are being prepared to be productive, participating citizens in the community. All Limited English Proficient students are prepared to successfully enter the English-speaking mainstream in school and after school. Dr. Slusher said that she serves on the Limited English Proficient Caucus of the Virginia School Board Association. She said that testing occurs after one year of attendance. Research has shown that it takes children five years to totally acquire a new language. Under the standards of accreditation schools allow a student after 11 semesters to be exempt from one testing session. However, under the “No Child Left Behind” every child is tested after they have been in school for one year. LEP students are required to participate in two types of assessments, English proficiency, and state reading and math assessment. Harrisonburg school system has developed a methodology to determine the K-12 cost on a per pupil basis to calculate the LEP costs making it as a ratio to general education. It also allows identifying LEP costs by funding source. It costs \$1,326 additionally to educate an LEP student in Harrisonburg. The cost of living differences includes teacher salaries, a variety of programs, maturity of programs, number of languages supported in the program, and central office support. She reviewed a state funding formula statistical chart showing how jurisdictions receive money from the state, federal, and local money. Harrisonburg’s LEP population has grown from five percent to 32 percent in 10 years. Only in recent years has the Commonwealth provided one teacher for each 100 students to support the increasing costs of providing a high quality education for students still learning English. She said that the General Assembly must acknowledge there is a greater need in Harrisonburg for categorical funding because the average pupil teacher ratios for LEP students is 46.5 percent. Harrisonburg does not have the same school system as it did years ago. There are more teachers required to meet the needs of Level 1 students. Resources become quickly exhausted at Level 1, leaving services deficient for Levels 2-4. Personnel are also needed to write curriculum, translate, interpret, and reach out to the parents. She reiterated that personnel are draining the school budget, which is expected to come from the locality. Larger divisions have personnel to write curriculum and provide resources, whereas small divisions such as Harrisonburg must use teachers to do this. There is also a need for translators to communicate with the parents and students, translate handbooks, testing and writing curriculum, and work with multiple languages because Harrisonburg has 38 languages in the school system. Staff development is the key. It requires \$40,000 to offer an ESL course to every teacher in Harrisonburg. The LEAP program staff has completed three additional workshops and 18 hours of curriculum development. Classroom erosion is important because the schools are losing space previously counted on for additional students in specially programs. The addition of the Intake Center has proven to be wonderful because it is a more efficient placement of students and collection of data. There is less disruption to schools and classrooms. There is a greater chance of gaining parental involvement in children’s education. Meeting the challenge involves the LEAP program at the elementary level, team teaching at the middle school level, and transitional English and Concept classes at the high school level. She reviewed the LEAP program and the importance that it is having in the schools. It’s time for Council and School Board to unite in the effort to return state dollars to our locality to meet our educational challenges so no child in Harrisonburg is left behind.

The next item of business was a brief presentation by the Public Works Department for consideration to approve Harrisonburg’s first annual report for Virginia Pollutant Discharge Elimination System (VPDES). Public Works IT Director Trent Small said the Department of Environmental Quality for localities defined, as “urbanized areas” by the Census Bureau requires

this permit. Harrisonburg was issued a permit on March 6, 2003. The VPDES permit and annual report are both formatted around the six minimum control measures that DEQ suggests toward protecting the City's storm water resources. He reviewed the six measures: 1) The first measure involves educating the public and building working relationships with regional agencies and local civic groups. The educational aspect of the permit is focused at all sectors of the community, but is more heavily focused on school-aged children. 2) The second permit measure involves Public Participation and involvement. To comply with this section of the permit, the City continues to promote events, such as: Household Hazardous Waste Collection Day, Blacks Run Clean-up Day, Adopt a Street Program, Citywide Recycling Program, and citizen panel and public meetings. 3) The next measure that the permit addresses is Illicit Discharges and their detection. To comply with this measure, the City continues to update the Storm Drain System Map. The next two measures are both directly related to construction sites and erosion control practices. These are focused at both the planning and construction phases of development and redevelopment. The final measure that the permit covers includes Good Housekeeping and Pollution prevention. This section includes many existing City programs including, street sweeping, storm drain inspection and cleaning, waste oil heating, and fleet wash operations. The City continues to maintain these current programs and is also working on more intense employee training. It is important that we all have a thorough knowledge of storm water issues, so that we can make educated decisions to protect our storm water and reduce pollution. Public Works Director Jim Baker said that the program involves a lot of citizen participation and the City wants to enhance the program by continuing this process. As the program grows educating the community on the importance of keeping the storm water clean of pollutants by volunteer effort. Vice-Mayor Rogers offered a motion to approve this annual report as presented. The motion was approved with a unanimous vote of Council Members present.

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

Al Sharpton	18
John F. Kerry	516
Wesley K. Clark	119
Howard Dean	114
Joe Lieberman	1
John Edwards	270
Dennis J. Kucinich	53
Dick Gephardt	0
Lyndon H. LaRouche, Jr.	0

Council accepted the election results and asked the City Clerk to enter the names into the official minutes.

The next item of business was an update on a Community Block Grant Program. Assistant City Manager Hodgen said that due to its "Metropolitan Area" status, Harrisonburg now qualifies as an entitlement community under the CDBG program guidelines. This makes the City eligible to receive up to \$645,000 per year from the Federal Department of Housing and Urban Development (HUD). The program is targeted toward programs and services benefiting low and moderate income residents. There are fairly substantial administrative requirements and

extensive public participation requirements regarding plans for us the funds although City Council has the final word as long as expenditures fall within categories of eligible program activities. It will be necessary to hold a public hearing at the March 23<sup>rd</sup> Council meeting and he requested permission to proceed with advertising the public hearing. The Consolidated Plan will be much more time-consuming and will need to be submitted to HUD for approval no later than August 16, 2004. Since HUD guidelines allow up to 20% of program funds to be spent on administration of the program, it is their recommendation that we hire a “CDBG Program Coordinator”. Council directed City Manager Baker to proceed with advertising the public hearing and CDBG Program Coordinator position.

The next item of business was amending Section 9-1-1 of the Harrisonburg City Code. This ordinance amendment changes the composition of the Parks and Recreation Commission. It also add language to the ordinance by stating members shall be composed from persons eligible to resister to vote in the City. Council Member Peterson offered a motion to approve amending this ordinance for a second reading. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

The next item of business was amending Section 6-2-5 of the Harrisonburg City Code. The Transportation Safety Commission requested adding material, debris, dumpsters, and unlicensed construction equipment to the ordinance. Council Member Peterson offered a motion to approve amending this ordinance for a second reading. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds are necessary for the renovation of the City/County E-911 system. Rockingham County is responsible for 50% of these changes, and will be billed for such. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

Bucky Berry a resident of Harrisonburg requested that another cable company provide service in the City.

City Manager Baker announced that departments heads and other staff members will be in a special training class for three days during next week.

City Manager Baker announced that the Pat Summerall Production would like to give a “Champions of Small City Management Award” to Harrisonburg. Pat Summerall Production will air a two-minute broadcast announcement one time on Headline News Network. It will cost the City \$24,000 to receive the award and have the video, which can be used for promotion. Mr. Baker said after discussing this award with Economic Development Director Brian Shull, Brian has indicated he could cover this expense from his advertising budget.

At 9:37 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

MARCH 9, 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.

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

Bill Whalen, a resident of Harrisonburg, said that unless taxes and real estate were mixed correctly, it could affect the taxpayers and property owners of the City. City government and special interest groups have been working closely with each other to acquire downtown property either through acquisitions or donations.

Council Member Lantz raised a "Point of Order". He said, "I don't believe this subject has anything to do with our body as far as City government is concerned and I think it's out of order."

Mayor Fitzgerald commented that when recent changes were made to the ordinance Council Members agreed to allow citizens to address issues that were not on the current agenda. He said certain issues taking place in the City downtown area might be of interest to citizens in the City and perhaps they want to encourage Council to take a particular action. "Under the rules Council has set up and rules observed in the past for letting people comment on matters not on the agenda, I can't think of any grounds to ask Mr. Whalen to step down."

Council Member Peterson said, "This is a business meeting of the City Council and the reason for the comment period is for the citizens to be able to bring items to Council for our consideration and for our business. The comment period is not meant as a place where people can make political speeches."

Vice-Mayor Rogers said, "Council Member Peterson has a point because Mr. Whalen is a candidate running for City Council who is raising issues on taxes and other things. Since Mr. Lantz has asked for a 'Point of Order' decision, Council should vote whether Mr. Whalen should be allowed to continue speaking."

Council Member Lantz said, "What is purpose of this body? Are we talking about City matters or are we letting people talk about their children's birthday parties?"

Mayor Fitzgerald reminded Council Members that changes in Title 2 of the City Code were unnecessary, were probably made too quickly, which could lead to unexpected

consequences. “Now we are facing a problem. Do we ask Mr. Whalen to stand down? I will entertain a motion.”

Council Member Lantz said when the new procedures were established it did not include making political speeches. The change was made to avoid having people sitting in the audience until 10:00 p.m., or to get to the end of agenda before they could address City Council about City business. Mr. Whalen’s speech is nothing that this body needs to react too. It is all political in nature because he is running for City Council. The purpose of this body is to conduct business for the citizens of Harrisonburg.

Mayor Fitzgerald reminded Council that what Mr. Whalen has been speaking about is downtown revitalization. He said, “It may not be on tonight’s agenda, but it has been on the agenda frequently and it will be on the agenda in the future.” He said certain matters were discussed four years ago at Council meetings because two members of the Council brought it up. “Are we changing the standards four years later? Are we going to change the standards and tell somebody to sit down because we feel the only reason he is speaking is because he might be trying to unseat several Council Members?”

Mayor Fitzgerald ruled that Bill Whalen was not out of order.

Council Member Peterson appealed the decision and asked for clarification of the aye or no vote.

Mayor Fitzgerald clarified that an aye vote upholds the ruling of the chair. A no vote upholds the appeal.

Council Member Lantz said Council was not discouraging citizens to address issues concerning the City. However, to talk about conspiracies is inappropriate and is not conducive to what this body is trying to accomplish.

The recorded roll call vote was taken as follows:

Vote: Abstained – Council Member Frank

No - Council Member Lantz  
Vice-Mayor Rogers  
Council Member Peterson

Yes - Mayor Fitzgerald

Absent – None

Mayor Fitzgerald advised Bill Whalen that he could not address City Council this evening and he was asked to leave the podium.

Ruth Dae Scott, a resident of Harrisonburg, said she thought sidewalks should be installed in all the developed areas of the City. It is unsafe to walk in the streets because there aren't any sidewalks. She also said that the Comprehensive Plan presented to City Council at the February 24<sup>th</sup> meeting mentioned targeted growth, businesses, housing development and tourism, but nothing was mentioned about how to handle the growth of the Police Department, Fire Department, Rescue Squad, and the schools.

Bucky Berry a resident of Harrisonburg complained again about the many trailers at the schools being used as classrooms.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading approval of a Supplemental Appropriations for the Fire Department and the Simms School Project. The motion also included referring an alley-closing request to the Planning Commission. The recorded roll call vote was taken as follows:

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

Absent – None

Dr. James Perkins, President of Blue Ridge Community College, presented an overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Board members, Kathy Whitten and Jane Prey, were also present. The Robert E. Plecker Workforce Center facility offers a wide variety of training services in area businesses as well as serving as a conference center. Since 1999, the growth at the Harrisonburg Center of BRCC is approximately 18%. Highlights of the college include record enrollment in credit and in non-credit classes. Enrollment from 2000-2001 has increased by 35%. The Carl D. Perkins Act, which is a Federal Act funding programs for technical education at BRCC, ranked first on measures of academic skills and technical skills among all 23 community colleges in Virginia. The Fall-to-Fall Retention ranked first in the system among all 23 community colleges and the graduation rate was third in the system. Continuing education is another category in which Blue Ridge rated highly in the annual comparison. BRCC ranked first in sending students enrolled in transfer degree programs on to further their education after graduation. More than 61% of the students who graduated immediately went on to another college or training school, compared to an average of 52% statewide. Dr. Perkins reviewed the college site master plan. He thanked Council for the City's financial support to the college, which has been an excellent investment in the future of Harrisonburg.

Robin Iten Porter, Executive Director of the Arts Council of the Valley (ACV), presented an overview of ACV's activities for 2003 and plans for 2004. She introduced several of the ACV Board of Directors Members present. Charles Martorana, a member of the Executive Committee, thanked City Council for its support of the arts in the community. Highlights of the accomplishments of the ACV include awarding \$52,000 in grants to support a broad range of arts

activities; supported the Harrisonburg and Rockingham Educational Foundations; served over 12,000 patrons at the Court Square Theater; acknowledged that the Court Square Theater hosted over 40 programs presented by community organizations; created the Latino Film Festival; held special screening for Harrisonburg City elementary and middle school ESL students; drew over 5,000 people last year for an overwhelmingly successful Valley 4<sup>th</sup> celebration; successfully concluded the “incubator” relationship with Harrisonburg Children’s Museum; and supplied 150 ticket vouchers to the Redevelopment and Housing Authority for its clients. Mr. Martorana said that Robin Iten Porter, Executive Director, was nationally recognized by Americans for the Arts as one of the “Top Five Emerging Leaders” in the field of arts administration and was appointed to its Emerging Leaders Council, as well as receiving a scholarship to attend a national arts conference in Portland, Oregon.

The next item of business was a presentation by the Weed and Seed Program. Ramona Rogers, Program Coordinator for the Harrisonburg Weed and Seed Program reviewed the program mission statement. One element of the “Seed” program refers to efforts to keep behavior problems from occurring and efforts to reduce the negative impact in communities. This component focuses on providing opportunities for healthy development and growth of all residents. Another “Seed” element is neighborhood restoration focusing on long-term physical, economic, and social changes in the targeted neighborhoods so that crime and disorder will not thrive. Weed and Seed is not a grant program. It is a strategy program helping residents of a neighborhood to empower by taking back their community. Residents can accomplish this by building a relationship with each other, law enforcement, local agencies and local government to eliminate violent crimes, drug trafficking, and drug-related crimes. Hopefully this accomplishment will provide a safe environment, crime free neighborhood, and family oriented communities. The goals of Weed and Seed are to strengthen neighborhoods by law enforcement, develop community policing, and using prevention/intervention/treatment for neighborhood restoration. Mrs. Rogers reviewed a neighborhood restoration focus program and accomplishments. She also reviewed supported programs and mini-grant recipients. Weed and Seed summer 2004 projects include restoring and developing two playgrounds within target neighborhoods. One proposed site is on the corner of Broad and Kelly Street, which is owned by the First Baptist Church. The church has agreed to lease the land to the Weed and Seed program for a \$1.00 per year. The other proposed site is located at end of Norwood Street, which is owned by the City. Weed and Seed would only use a portion of the site. The cost of the park projects is \$30,000. Weed and Seed has \$20,000 for the projects and are applying for grants and seeking donations for the remainder of the cost. She requested Council approval to place a playground on the upper part of the Norwood property.

The following discussion by Council Members included: What portion of the lot was City property; less playground equipment at the Norwood Street playground; plans designed to avoid drainage pipe on the site; Parks and Recreation Department provided names of companies having playground equipment; and how will the playground be maintained. Following further discussion and comments, Council Member Peterson offered a motion to refer this project to the Parks and Recreation Commission for their recommendation. The motion was approved with a four to one vote of Council with Vice-Mayor Rogers abstaining.

Allisa McDonald, Executive Director of the United Way, said that “United Way Day of Caring” has been conducted for ten years as part of the annual campaign kick off. Projects developed by agencies have involved over 300 volunteers and hands on activities. In the last two years corporate leaders have proposed ideas to develop “United Way Day of Caring” into a large community project creating lasting results allowing employees to interact with employees of other companies. Also, in the last two years the United Way has changed organizational focus to community partnerships creating an entirely new business model including community wide plan of action. This action plan and model is nationally recognized as community best practices.

The next item of business was a presentation by the Valley Program for Aging Services (VPAS). Paul Lavigne, Executive Director of Valley Program for Aging Services, thanked Council for the opportunity to explain how VPAS makes a difference in the lives of people age 60 and older to maintain their independence in the least restrictive environment for as long as possible. VPAS provides essential services to avoid the premature institutionalization of seniors in nursing homes or assisted living facilities. This approach supports the independence sought by senior citizens while saving taxpayers money. VPAS provides service to senior citizens 60 years of age and older living in the cities of Harrisonburg, Staunton, Waynesboro, Lexington, Buena Vista, and the counties of Rockingham, Augusta, Rockbridge, Bath, and Highland. Core services offered directly by VPAS include, Case Management, Information and Assistance, Home Delivered Meals, Congregate Meals, Socialization and Recreation activities, Ombudsman services, and Transportation. Services provided indirectly include, Adult Day Care, Personal Care, Health Insurance Counseling, and Legal Services. VPAS operates nine senior centers in Planning District 6 with one located in Harrisonburg and two in Rockingham County. Seniors from the County and City utilize all three centers. Home delivered meals are sent out five days per week from the Centers to seniors in the City. 18,498 home delivered meals were provided in Harrisonburg last year. 12,693 congregate meals were provided at the Price Rotary Senior Center. In an ongoing effort to ensure that the highest level of service is provided to seniors in the community, VPAS recently contacted with a new food vendor in Harrisonburg to provide all meals in the Harrisonburg and Rockingham County region. This improvement added an additional cost of \$14,000 per year. VPAS serves approximately 7% of the total population 60 years old and older living in Harrisonburg. This is higher than all but one other City served. The City’s contribution to VPAS per elderly person is the third lowest of any of the ten jurisdictions we serve. The City of Harrisonburg is simply not contributing its fair share. The City’s current contribution, \$25,000, represents about 10% of nearly \$260,000 in services that will be provided to approximately 340 low income persons 60 years and older living in the City of Harrisonburg. The number of people served has remained essentially the same each of the past three years. Based on the anticipated growth in the senior population, the fact that people are living much longer than before, and the desire of seniors to remain in their homes, an increase in demand for services is inevitable. Most seniors requiring assistance with personal care needs will also require home delivered meals and other services. Most seniors served by VPAS are unable to pay for these services. VPAS is in the process of improving all senior centers to encourage isolated or homebound seniors to frequent the centers for socialization and recreation activities while sharing a meal with other seniors. He said VPAS is seeking additional funding to feed seniors and expand upon needed services. VPAS is a community member devoted to providing services to seniors in the Harrisonburg area. Senior citizens are not charged for these services,

because of the Federal and state funding that covers much of the cost of the services. However, each person is given an opportunity to make a voluntary, anonymous contribution.

VPAS has provided comparative data to all jurisdictions and encourages every jurisdiction to increase its support. VPAS has particularly asked those jurisdictions approaching the low end of the range, including the City of Harrisonburg, to do more. Level funding last year suggested that the City chose not to do more for the senior citizens living in Harrisonburg. This year we strongly encourage Harrisonburg to consider increasing its financial support to VPAS. He said that VPAS total budget is \$2.7 million. The Federal share is \$950,000, state share \$600,000, jurisdictions \$240,000, and the balance comes from contributions from participants and traditional non-profit fund raising support.

The next item of business was a report on traffic modifications to Elizabeth Street. Public Works Director Baker said that Council requested at the regular meeting of February 24<sup>th</sup> that Public Works review impacts to traffic circulation if Elizabeth Street were made one way (westbound) between Federal Street and Main Street in order to accommodate redevelopment needs of 90 North Main Street. Staff members of the Economic Development Department, Fire Department, Police Department, Transit Department, Planning Department, and Public Works Department met to discuss the pros and cons of how the proposal would affect the downtown area. The Public Works Department was sensitive to the needs of emergency response services as City departments relocate to Harrison Plaza. Fire Chief Shifflett shared that if the street were made one-way it would have to be westbound in order to accommodate emergency response traffic needs from the Rock Street Station to Harrison Plaza. Mr. Baker said that the corner of Elizabeth Street and Federal Street already has some difficulty with sight distance. Directing the traffic westbound should help to alleviate the safety issue especially if the sidewalk is widened on Elizabeth Street. Transit service could still be provided if there is one-way traffic on Elizabeth Street and the impact on public safety would not significantly be impacted if there were one-way traffic. Currently the City is installing a drive entrance at the end of Harrison Plaza parking lot on Elizabeth Street. If Elizabeth Street is designated as one way, the City believes a one-block segment of one-way traffic will be confusing and disruptive to the general traveling public. The estimated cost for signage and pavement markings is \$4,500 to \$5,000. This figure does not include widening the sidewalk.

The following discussion by Council Members included: Public Works Department recommends one-way traffic on Elizabeth to accommodate wider sidewalks and improve pedestrian access; eight spaces being lost on the North side of Elizabeth Street are beside a City parking deck; top of parking deck is completely leased; lower deck has available parking spaces; and lot behind Harrison Plaza contains public and reserved parking.

David Lee, a partner of the LENEAA INVESTMENT GROUP, who has proposed major renovations to the facility at 90 North Main Street, said that he was available to answer questions concerning the project.

Vice-Mayor Rogers questioned if the street was not made one-way would the project be stopped. He asked Public Works Director Baker if the City didn't change the street pattern, but eliminated

the nine parking spaces beside the Federal Building and expanded the sidewalk could the project still move forward?

Public Works Director Baker responded that removing the parking spaces along the Federal Building and widening the sidewalk on the southern side would help sight distance issues.

David Lee answered that the group wanted to eliminate a dangerous place at Federal Alley, expand the sidewalk on Elizabeth Street, create an aesthetic and safer walk way from the parking deck to Main Street; have better lighting and a more attractive area for pedestrians using the parking deck. He also said widening the sidewalk and adding attractive planters should encourage more pedestrian traffic from the parking deck.

Council Member Lantz commented that the net effect of eliminating parking spaces might not be as estimated; however, this proposal makes the sidewalk safer and allows flexibility in the future that if it doesn't work, the traffic pattern could be changed to one-way.

Mayor Fitzgerald questioned if LENEEA, owners of the building at 90 North Main Street, would be paying for the lights, planters and wider sidewalks?

David Lee said they would be paying for the improved sidewalks and lighting.

Mayor Fitzgerald reviewed the compromise changes: eliminate the parking spaces on the North side of Elizabeth Street between Federal Street and Main Street, the street traffic would remain two-way, and the developers of the project would still pay for widening the sidewalks and lighting along the street.

Mark Callahan, an attorney and one of the owners of the building at 92 North Liberty Street, said the Clark Bradshaw law firm has been in the building since 1968. He said he has discussed the compromise with the project partners and members of the First Presbyterian Church, and thought the compromise was a wonderful idea, but he suggested improving the sidewalk and lighting all the way to Liberty Street. He also noted that sometimes for security reasons when Federal Court is in session, the parking spaces beside the building are blocked off with orange cones. He said two-way traffic was needed. The First Presbyterian Church hosted 401 meetings of outside organizations in the church last year. In addition, the church had 1,174 meetings and events of its own. It is prudent to keep the traffic pattern two-way.

Dr. John Sloop, pastor of First Presbyterian Church, said he was delighted with the compromise. He said he was grateful for the feasibility studies that were made pertaining to the public safety issue. He also said that he and members of the church were totally unaware of the project. The church has an average of 2,000 people per week going through the building. The church is already bounded on the Court Square side of the building by one-way traffic and if there was one-way on the other side of the building it would really limit access, especially to visitors and newcomers. The church is also grateful to the City for the new access out of the Harrison Plaza parking lot onto Elizabeth Street.

Sandy Lineweaver said that the First Presbyterian Church Board of Deacons met this evening and passed the following resolution: The Board of Deacons of the First Presbyterian Church passed a resolution opposing changing the traffic pattern on Elizabeth Street. It was felt that one-way traffic would have an adverse effect on access to the church, not only by church members, but also by many other organizations using the church. She asked for Council's consideration concerning this issue.

Dick Johnson, First Presbyterian Church Planning Committee Chair, stated that the church has been struggling for several years with the parking problem. Concerns of the growing crunch with parking between Calhoun Restaurant, Court Square Theater, and the church have been discussed with the City Manager. He said the overflow of vehicles has moved to the City parking lot. He reviewed the many problems the church has experienced with its parking lot. He said he hoped by giving up the parking spaces beside the Federal Courthouse, the City could keep the two-way traffic.

Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance, said he was speaking as an observer. He said, "I don't see any merchants present and I feel responsible to voice what I suspect would be their perspective for your consideration." Clearly between Main Street and Liberty Street there is a desire for the two-way traffic. "For the downtown merchants, every parking space matters and if you can find a way to work with all that has been presented to reach a resolution, my hat is off to you. The question in my mind is if there is any way to preserve those nine parking spaces next to the Federal Court House to give access to people who want to use 90 North Main Street or any other place downtown by making just that section one-way so then people could come two way down Main Street and up Wolfe Street if they are going East. "I am not proposing that. I am not advocating for it. Knowing the strong concerns I have heard from merchants about preserving every parking space possible, that is the only alternative I could think of. I want to be very clear, I am not making a recommendation from Harrisonburg Downtown Renaissance, it is just a thought that occurred to me."

Mark Callahan, an attorney and one of the owners of the building at 92 North Liberty Street, said that Clark and Bradshaw P.C. recorded over \$2 million in annual sales last year. He disagreed with Mr. Bumbaugh's comment that there weren't any merchants in the audience.

Bucky Berry said that the Wolfe Street Parking Deck was unsafe because of the type of people hanging out around the deck.

Council Member Lantz said that Wolfe Street Parking Deck was not unsafe because of the lighting. The brightest place in the entire City is the Wolfe Street Parking Deck. The issue with poor light was corrected by the City.

Council Member Peterson asked Public Works Director Baker to come to the podium and review the arguments against having one block of one-way traffic. "Clarify why staff did not want to have just one block from Federal Street to Main Street one-way traffic," he stated.

Public Works Director Baker said because staff thought if we were looking at the idea of improved pedestrian access that we should also look at the block between Main Street and Liberty Street as well.

Council Member Peterson said with the proposal of losing the eight or nine parking spaces across from the First Presbyterian Church, it becomes more important for downtown merchants to keep those nine spaces next the Federal Court Building. “We would get the improved pedestrian access both ways, one way by losing parking spaces and the other by losing a lane of traffic. Would the suggestion made by Mr. Bumbaugh be a more acceptable solution?”

Council Member Lantz said traffic confusion should be avoided and Mr. Bumbaugh’s suggestion didn’t allow sidewalk improvement. He reiterated that the parking deck was still beside the eight parking spaces. “Are we really creating a major problem by taking eight parking spaces away when we have available parking in the deck?” He said the compromise was good; however, there are people who do not know the direction Council might be moving. These people need to be able to voice any concerns they might have. He said, “I think we should table a resolution for this tonight and let the staff continue to review the discussion and at the next Council meeting see if anyone has any new objections.”

It was clarified by Drew Williams, Transportation Planner, that there are only eight parking spaces beside the Federal Court Building.

David Lee said the request has already been delayed for two weeks since the last Council meeting. His firm’s ability to sign a lease with the potential tenant may be lost if it is delayed yet again.

Vice-Mayor Rogers said the issue is whether to keep the current traffic pattern or make Elizabeth Street a one-way street. He asked Mr. Lee, “How can it affect your project?”

David Lee said that if Council would approve the allocation of the parking spaces as requested and allow the widening of the sidewalk, then his group could move forward. The decision as to how to handle the traffic and parking is not an issue that would stall the project.

Council Member Lantz said that Council can vote on LENNA’s request to lease the parking spaces even though a decision has not been reached regarding the traffic pattern on Elizabeth Street. He said that he would like to see the project happen. For the City to consider giving up nine parking spaces in the downtown area is a significant contribution.

Council Member Peterson said the vote would be that in the future the decision made by Council is either two-way traffic and losing eight parking spaces on Elizabeth Street or one-way traffic and keeping eight parking spaces.

Gary Stiteler, president of the Downtown Harrisonburg Retail Merchants Associations, said the merchants wanted to keep all the parking spaces in the downtown area. He noted that the retail merchants are contributing sales tax dollars to the economy.

David Lee said that the parking was more critical to the tenant than the sidewalk. “I haven’t had a discussion with the tenant about the importance of the sidewalk. If Council could approve the parking for the project and then table the sidewalk decision until the next Council meeting, it would give us some ability to make sure that we could keep everybody at the table.”

Eddie Bumbaugh said that when it was clear that there was diversity of opinion, three meetings were conducted with retail merchants and the partners in an effort to discuss this issue. Not everyone left the meeting with the same point of view, but there was opportunity for discussion. Also, he said that HDR, retail merchants and hopefully Parking Authority can soon begin looking at long-term parking needs downtown.

Vice-Mayor Rogers offered a motion to approve a long-term lease of ten years on six spaces in the eastern end of the Ney parking lot and three spaces in the middle of the lot to accommodate a new entryway. The recorded roll call vote was taken as follows:

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

No - Council Member Lantz

Absent – None

At the March 23<sup>rd</sup> City Council meeting the sidewalk and traffic flow issue will be discussed. Staff will present recommendations.

Fire Captain Arthur Miller presented for Council’s consideration an amending and re-enacting Section 5-2-1, 5-2-10, 5-2-11, 5-2-12, 5-2-13, 5-2-14, 5-2-15, 5-2-2, 5-2-28, 5-2-35, and 5-2-7 of the Harrisonburg City Code. He said these ordinance changes are being proposed and recommended by the Fire Department. The City Attorney was consulted on drafting these proposed ordinance changes. The requested changes adopts the Statewide Fire Prevention Code, which changed in October 2003, eliminates unused portions of the Code, and updates other portions of the Code to the current system of management and operations. Section 5-2-2 allows the City to set fees for several permits issued by the Fire Department. There are 47 different operational permits that the Fire Department can impose through its operations. The Fire Department is still reviewing the permit fees. He reviewed the duties and titles of the Fire Chief under Section 5-2-35. He also reviewed overcrowding of structures under Section 5-2-7 of the City Code. Section 5-3-2 changes the Director of Emergency Management from the Mayor to the City Manager. This will allow a more effective emergency operation during times of disaster. Council Member Peterson offered a motion to approve amending these ordinances for a first reading with the amendment to Section 5-2-2 (b) changing the language to (Fees for various permits and licenses shall be as propagated from time to time by the Fire Chief). The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Council Member Lantz  
Vice-Mayor Rogers  
Council Member Peterson  
Mayor Fitzgerald

Absent – None

The next item of business was considering authorizing the City Manager to write a letter of support for tax credits for Mosby Heights. Affordable Housing Developers are purchasing Mosby Heights and are applying for tax credits. City Manager Baker said that primarily this means that they will have to rent to low-income tenants who make 60% or less of the areas median income. Council Member Peterson offered a motion to authorize the City Manager to write a letter of support for the tax credits. The motion was approved with a four to one vote with Council Member Lantz voting no.

School Superintendent Donald Ford presented a request for a supplemental appropriation for the School Board. These funds will cover the cost associated with the opening of the ESL Intake Center, and the renovation of the fourth floor of the Public Safety Building at Harrison Plaza to accommodate the school's central office staff who was required to move from the Simms School Building. Vice-Mayor Rogers offered a motion to approve this request for a first reading, and that:

\$127,662.00 chge. to: 1111-111114-31010 Amount from School's Fund Balance

\$ 35,937.00 approp. to: 1111-111114-40610 Instruction

91,725.00 approp. to: 1111-111114-40640 Operation and Maintenance

The recorded roll call vote was taken as follows:

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

Absent – None

Public Works Director Baker presented a request for a supplemental appropriation for the Public Works Department. He said that the department has exceeded its snow and ice removal budget. Vice-Mayor Rogers offered a motion to approve this request, and that:

\$88,040.88 chge. to:1000-31010 Amount from Fund Balance

\$16,144.64 approp. to: 1000-410541-41020 Salaries & Wages – OT

896.24 approp. to: 1000-410541-42010 FICA

71, 000.00 approp. to: 1000-410541-46070 Repair & Maintenance Supplies

The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker announced that the John D. Eiland Company has again requested sponsoring Fundfest Concert Series and using City property behind the Community Development Department. Also, “Walk America” will be using the lot for a staging area. Mr. Baker will send a letter authorizing use of the City property.

City Manager Baker announced that a joint meeting will be held with the School Board on March 30, 2004.

Council Member Frank offered a motion that Nancy Clark Faulkner, 2190 Lake Terrace Drive, be appointed to a first term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2007. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Michael L. Layman, 268 Newman Avenue, and James Robinson, 760 Elmwood Drive, be appointed to a second term on the Harrisonburg Golf Course Advisory Committee to expire on March 21, 2008. The motion was approved with a unanimous vote of Council.

At 10:40 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code). The recorded roll call vote was taken as follows:

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

Absent – None

At 10:46 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 10:47 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

MARCH 23, 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 Police Captain Wilfong. Absent: Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Bill Whalen, a resident of Harrisonburg, said that unless taxes and real estate were mixed correctly, it could affect the taxpayers and property owners of the City. City government and special interest groups have been working closely with each other to acquire downtown property either through acquisitions or donations. He said, "It is my opinion that everything has been set up, since the Harrisonburg Downtown Renaissance Group was established, it has been the powerhouse behind downtown revitalization. I am not against redevelopment of downtown". However, this group of people consisting of downtown property owners, government officials, City Council members, and others has used its position to convince taxpayers downtown redevelopment is important. Taxpayers should not pay for a selective group's dreams. Downtown redevelopment will only give tax breaks to the people buying the property. Taxpayers will pay the difference. Does it matter whether it is Federal taxes, state taxes or local taxes? Taxpayer's money should be spent to benefit all of the citizens, not special interest groups or their dreams. It is about real estate and anyone who owns a home knows how good real estate has been, but we are talking about business real estate and a cozy relationship between local government and special interest groups. Why should a handful of property owners in the downtown get richer at our expense? It could cause more growth in the City than the normal patterns of growth. This can mean more traffic, more tax money, and more problems. We can't stop growth, but we don't have to accelerate it either. The only people that benefit will be the downtown special interest groups getting much higher prices for their property than they would otherwise get. The people buying the property will benefit by getting excessive tax breaks. We must try to stop it.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading approval of a Supplemental Appropriations for the Public Works Department and School Board. The motion also included the second reading amending Section 5-2-1, 5-2-10, 5-2-11, 5-2-12, 5-2-13, 5-2-14, 5-2-15, 5-2-2, 5-2-28, 5-2-35, 5-2-7 Fire Prevention and 5-3-2 Office of Emergency Services of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

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

Council Member Frank  
Mayor Fitzgerald

Absent – None

The next item of business was an overview of a “Citizen Participation Plan” outlining how citizen and community groups will be involved in the process of determining how the annual allocation of Community Development Block Grant (CDBG) will be spent. The plan includes radio and television advertisements, dealing with language barrier, complaints, and reporting processes. Assistant City Manager Hodgen said that a public hearing is required before the plan can be adopted. The purpose of tonight’s public hearing is for the consideration of the “Citizen Participation Plan” not to determine how the funds of the block grant will be utilized.

At 7:40 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening’s public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 1, 2004.

**CITY OF HARRISONBURG  
CITIZEN PARTICIPATION PLAN  
PUBLIC HEARING/COMMENT NOTICE  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**The Harrisonburg City Council will hold a public hearing on Tuesday, March 23, 2004, at 7:30 p.m. in the Municipal Building, City Council Chambers, 345 South Main Street, in order to receive citizen input regarding its draft “Citizen Participation Plan”. This plan is required as part of the City’s involvement in the Federal Department of Housing & Urban Development’s (HUD) Community Development Block Grant Program (CDBG). The plan sets forth the City’s policies and procedures for citizen participation in the development of a required Consolidated Plan. The Consolidated Plan serves as the planning document for addressing overall community development and housing needs that will utilize CDBG funding available to the City to meet those needs.**

**All citizens and organizations are invited to attend the public hearing to comment orally or in writing on the citizen participation plan. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public hearing; persons requiring such accommodations/services should contact the City at least three working days in advance of the hearing. Please contact Kurt D. Hodgen, at [kurth@ci.harrisonburg.va.us](mailto:kurth@ci.harrisonburg.va.us) or 540-432-7701 for any questions. Written comments may also be mailed to Kurt D. Hodgen, Assistant City Manager, 345 South Main Street, Harrisonburg, VA 22801.**

Mayor Fitzgerald called on anyone desiring to speak for or against the Community Development Block Grant. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve the block grant. The recorded roll call vote was taken as follows:

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

Absent – None

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2004-2005 budget. The proposed school budget provides a breakdown of anticipated revenue and expenditures for the coming year. He said that expenditures have increased from \$39,101,932 to \$42,723,673 or a 9.26% increase over the current budget. Dr. Ford said projected revenues funds from the state are still uncertain because of the budget negotiations in the General Assembly. However, the School Board remains optimistic they will receive more revenue than what is projected. Federal revenues funds have decreased by \$233,401 or 5.4% primarily because of the large Federal technology grant which was received for the fiscal current year; however, there will not be an over-all decrease in Federal funds. The revenue estimates for the school division to support the expenditures are divided into state, federal, other, local, and un-appropriated funds. Dr. Ford reviewed the significant budget increases, which included instructional operation at \$2.5 million, administrative/attendance & health services \$136,000, bus transportation \$117,000, maintenance and operations, \$561,503, and food services, \$84,561. The major increases in the 2004-2005 budget include salary increases at 4% adding seven new positions, social security at \$100,000, Virginia Retirement System \$1,082,000, group life, \$270,000, health insurance, \$81,000, worker's compensation, \$11,000, utilities, \$341,000, debt service transfer \$376,000, and special education, \$161,000. The total budget increase is \$3.6 million. The City has attained full accreditation of all the schools, despite the fact that in excess of 32% of the students speak English as a second language, and special education services. He said that funding for a quality educational program is always going to be a challenge. The School Board has identified after much time and effort the financial needs in the school division to meet the academic needs of the children of the City. He requested that City Council give serious consideration to the budget requests that have been made through the School Board budget.

The following discussion by Council Members included: Questioned whether budget was based on an average daily 4,097 student enrollment? questioned decrease in Federal funding; City fiscal agent for the technology grant; questioned if every School Board employee received a projected 4% salary increase; debt service; and local funding percentage increase.

The next item of business was a presentation by Bob Forrest, President of CTA Communications. He said a summary of the 800-megahertz radio project had been presented to City Council at an earlier meeting. The summary contained a recommendation from the radio advisory board outlining the radio coverage needed to meet the service areas of Harrisonburg and Rockingham County. CTA Communications recommends that the municipalities hire Massachusetts-based M/A-COM to build the system at an initial cost \$20.8 million, which includes building or improving radio towers, setting up dispatch equipment and replacing the

radios for everyone on the system. The upfront costs also include building two new radio towers and replacing the radios and other mobile communication equipment used by the City and County.

The following discussion by Council Members relative to the proposed two-way radio system included: Questioned the cost of the base radio system and additional options; mobile data system; UHF voice system; preventive maintenance cost covers second through fifth years; price includes all non-fixed equipment; build two new towers; extend another tower; and the other seven towers are owned by City and County.

City Manager Baker requested Council's support to negotiate with the M/A COM vendor and working with Davenport to come up with a financing plan, which will be presented to Council at a future meeting.

Council Member Peterson said, "The system seems outrageously expensive for the City. I will vote no." The City would be better served by getting a higher band with data system for data in the patrol vehicles, fire trucks, and emergency vehicles because it would cut down on usage of the voice channel. He said, "City staff is only presenting one expensive option and there should have been an advocate at the meetings questioning do we really need 12 channels or are we really designing for two airplanes to crash in Bergton?" The whole system is based on if we had the best of all possible worlds. He also mentioned that Winchester has installed high-speed data link to patrol cars and found a dramatic decrease in the usage of the voice channels. There are limits to how much money the City can afford. Spending \$20 million on this system is not a good decision for a governmental agency to make.

Council Member Frank questioned whether many localities were going to the 800-megahertz system. Also, if there were other options available, why weren't they presented to City Council.

City Manager Baker commented that CTA looked at other frequencies. He also said everybody including Information Technology from the state department had looked at different frequencies and recommended that Harrisonburg go with an 800 megahertz system.

Mr. Forrest commented that when his company was retained in 1999 they investigated UHF frequency bands to allow the City and County to communicate with each other on a common system. There are only three bands and the other bands cannot compete with the 800 megahertz system.

Following further discussion and comments, Vice-Mayor Rogers offered a motion to proceed with the two requests made by the City Manager.

Council Member Lantz said that he was not prepared to vote on this issue tonight.

Council Member Peterson offered a motion to table this decision until the April 27<sup>th</sup> City Council meeting.

Vice-Mayor Rogers withdrew his motion.

Council Member Peterson asked the City Manager Baker to request that a representative from Winchester's Emergency Communication make a presentation to City Council on how their emergency system is working.

Mayor Fitzgerald recapped the issues discussed. City Manager Baker will discuss with County Administrator Paxton about the possibility of having the Board of Supervisors join us for a work session on the topic, ask our local experts to make a presentation and to also ask the City of Winchester to make a presentation.

The next item of business was an update on HEC 69 KV Transmission line project. Mike York, General Manager of Harrisonburg Electric Commission, reviewed why the project was needed. He said HEC's is proposing to construct a 60,000 volt transmission line from a substation located on East Market Street to a point along Country Club Road approximately 600' north of Linda Lane in the City. The purpose of this transmission line is to ensure that the Harrisonburg Electric Commission will be able to supply power to it's customers during all operating conditions, taking into consideration today's needs as well as the anticipated growth of electrical demands in the years to come. He reviewed the proposed route. The project has been published in the Daily News-Record and letters were sent to property owners along and adjacent to the proposed transmission line. He said that seven property owners met with HEC personnel before the public hearing, and no one opposed the project. A public hearing was held on March 2, 2004. The estimated cost of the project is \$900,000 and will take six months to complete. The project is totally funded in HEC's budget.

The next item of business was a presentation by Wanda Willis, Public Education Officer for the Fire Department. She said the new Community Emergency Response Team (CERT) training program has had eight graduates. The CERT program is designed to teach citizens how to help themselves, and their neighbors, in times of a natural or manmade disaster. CERT empowers residences in the event of natural or manmade disaster by providing basic skills in disaster preparedness. The CERT program is held once a week for seven weeks. She reviewed and summarized material covered in the classes and recognized one graduate Larry Diehl who completed the program.

City Manager Baker presented the proposed 2004-2005 budget. He said that it is suggested that the public hearing and first reading be held on April 13, 2004, but the final adoption not occur until the state budget has been adopted. One of the major jobs of the City Manager and his staff is the preparation of the annual budget. This year the job has been extremely difficult because of the budget impasse in the General Assembly, and as new information is received from the state budget process, changes will have to be made in our budget. However, as requested, we are presenting the proposed budget earlier this year. As the budget has been developed, staff has been committed to the cost efficient delivery of services, the Principles of Continuous Improvement and to goals of City Council. The proposed budget's primary goal is to provide services without reduction and that are delivered in the most cost-efficient manner to the Citizen's of Harrisonburg. The review and adoption of the budget represents one of the Council's most important activities. He reiterated that the City continues to

grow and service demands increase. The proposed budget recognizes these increases, while being sensitive to the need to hold expenditure levels to a minimum. In short, this budget is really a maintenance budget in that existing levels will remain the same. The proposed budget represents a 40.5% decrease in net expenditures from the fiscal year 2004 budget as amended (4.0% increase when compared to the original 2004 budget). The significance with this budget is not what it contains, but rather with what is missing. Most of these items that had to be cut from the budgets submitted by department heads were listed under new programs; such as, new police officers, new fire fighters, funds to assist with the Children's Museum, additional building and public works inspectors, storage building for Public Works, funds for continuing improvements to Port Republic Road, East Market Street and Country Club Road bridges, all which are needs of the departments making the request for funding.

The General Fund budget that I am presenting to you is balanced with no proposed tax increases; however, about \$2.96 million from the unappropriated fund balance is required to do this. On the expenditure side there are three items that increase the budget: \$835,000 in debt service for the schools, \$432,000 for VRS and a recommended 3% salary adjustment for employees amounting to \$427,000. Neither the debt service nor the VRS increases are items that we have any control over.

There are proposed increases in the enterprise funds of Sanitation and Water. These increases are being carried forward from prior years in order to pay for the rebuild of the steam plant and installing the raw waterline from the east. The refuse collection fee is proposed to increase \$2.00, tipping fees will increase \$3.00 and water rates are proposed to increase by 3%. These increases are necessary in order for the enterprise funds to fund committed expenses. The budget format is similar to prior years, with detailed explanations by fund and by major function areas in the General Fund. Our hope is once everyone is comfortable with this budgeting format; it will be our primary budget format.

Staff is prepared to review the budget document with Council as directed. Adequate time is available for one or more budget work sessions prior to the public hearing.

Following further discussion and comments, Council agreed to a work session on March 30th at 8:00 p.m.

Planning and Community Development Director Turner introduced a request by Ellen DeSarno for a special use permit. She briefly updated the circumstances concerning this request including that the applicant has stated meeting the required parking might be a problem. After meeting with the applicant attorney further information was received. An existing use, nonconforming with respect to parking, is allowed to continue as the same type use (i.e. one retail use can change to another retail use), without having to add parking. She said that because day care centers are placed in the retail category for parking purposes, we can consider this particular change to be changing from retail to retail and not require any additional parking spaces to be installed. The parking issue has been resolved and the day care center will be operating with the 17 existing parking spaces. Following further discussion and comments, Vice-Mayor Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by Virginia Silo, LLC to subdivide a two-acre lot into two smaller parcels with a variance to the City's Subdivision Ordinance. She said that the property is located directly behind 1720 Erickson Avenue. The property was rezoned from R-1, Single Family Residential District to B-2, General Business District by action of City Council on December 23, 2003. Currently, access to the existing lot is provided over a 55-foot right-of-way that runs from Erickson Avenue down the private access driveway serving the Wal-Mart shopping center. The applicant wants to subdivide a two-acre lot into two one-acre parcels with a variance to the requirement that all lots resulting from a subdivision front directly on a public street. They would not front on public street, but would continue to use the same access easement. She said that Planning Commission has recommended approval of the request. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by David Lee for Acorn Enterprise to have City utilities provided to a lot located along Red Oak Street in Rockingham County. She said that Public Utilities Director Collins has evaluated the request and recommended supplying water to the applicant. He has also recommended approval of the sewer service subject to the condition that the applicant make connection to the public main inside the City corporate boundaries. She said that Planning Commission has recommended approval of the request. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was an overview of the Elizabeth Street Corridor. Public Works Director Baker presented that a group of representatives from Downtown Citizens, Parking Authority, Downtown Renaissance, Economic Development, Downtown Merchants, First Presbyterian Church, Clark & Bradshaw and City Staff held a meeting to discuss a proposal for modifications to Elizabeth Street while maintaining two-way access and creating additional parking. Several proposals for modifications to Elizabeth Street were proposed; however, designating Elizabeth Street as a one-way street is no longer being considered. The City wants to maintain two-way traffic throughout the corridor. The first phase improvement would begin on Elizabeth Street at the intersection of North Mason Street. It is suggested that six (6) parking spaces be created on the south side of Elizabeth Street immediately, which are adjacent to the Shenandoah National Bank. The double yellow line will have to be adjusted accordingly. Adding these six new spaces is estimated to cost \$730.00. The second phase improvement would begin when parking is removed from the north side of Elizabeth Street once redevelopment plans for 41 Elizabeth Street/90 North Main Street is underway. Redevelopment plans include the expansion of pedestrian facilities on the south side of Elizabeth Street by widening the sidewalk three additional feet. Parking will not be removed from this block of Elizabeth Street until the sidewalk facilities are under construction. The estimated cost for this phase is \$665.00. Phase three improves an existing gravel parking areas. Additional parking spaces will be created in the gravel lot between Blacks Run and the Harrison Plaza's parking facilities adjacent to Elizabeth Street. This lot would be paved to support twenty (20) metered spaces. Public parking will remain immediately behind Harrison Plaza, although it has been brought to the attention of property owners and associated groups that once Harrison Plaza opens to full capacity, the majority of public parking will become restricted to accommodate police and fire personnel parking. The creation of this City-owned parking lot would help alleviate parking pressure from the Harrison Plaza parking lot. The estimated cost for this improvement is \$4,340.00. Mr. Baker reviewed a proposed phase four plan, which could take place in the future. The total inventory of parking spaces includes creating six new parking spaces in phase one, removing eight spaces upon the development of the LENEAA project, creating 20 new parking spaces in phase three, and removing eight spaces along Elizabeth Street in the future for a net gain of ten additional parking spaces.

Ned Hillyard representing owners and management of the office building at One Court Square said they were in favor of downtown growth. He reminded everyone of the many landlords, merchants, and tenants who had remained in the downtown area when other businesses moved outside the downtown area. He said that the tenants of One Court Square depend upon the little parking lot across from One Court Square for the convenience of their clients; however, because so many spaces are leased clients do not have any parking spaces. He questioned whether new businesses were actually moving into the downtown area or relocating from another area.

Jerry Lawrence, owner of the Daily Grind, said the heart and soul of Harrisonburg is in the downtown area. Parking has been a major issue in the downtown area. He questioned whether small businesses or professional organizations were moving into the downtown area. He questioned, "Are we supporting the little merchants or we supporting the downtown area becoming a square of professional organizations?"

Nancy Garber said she could remember if a certain number of parking spaces were allotted as handicap spaces. The solution for Elizabeth Street produced ten more parking spaces. She also said that an existing problem in the downtown area has been employers and employees have taken the spaces around Court Square and East Market Street. Meters had to be installed one again to control this problem. She reminded everyone of the upcoming March 30<sup>th</sup> meeting to discuss parking problems in the downtown area.

Gary Stiteler, president of the Downtown Harrisonburg Retail Merchants Associates, said that the municipal parking lot behind Harrisonburg Plaza would soon be completely occupied by employees of the City and no metered parking spaces will exist.

Following further discussion, comments and some disagreement regarding whether sidewalk improvement were included in a motion made at the March 9<sup>th</sup> Council meeting, Mayor Fitzgerald read the motion from the minutes of the March 9<sup>th</sup> City Council meeting and pointed out that only the nine long-term lease parking spaces for the project were approved. The sidewalk decision was tabled until the March 23<sup>rd</sup> City Council meeting. Council Member Peterson offered a motion to add the six parking spaces on Elizabeth Street between Federal Street and Mason Street. The motion included that once construction of the sidewalk begins, the City will re-stripe Elizabeth Street to provide sidewalk expansion for the LENEEA project. The motion also included paving a gravel lot between Blacks Run and Harrison Plaza's parking facilities to provide an additional 20 parking spaces. The recorded roll call vote was taken as follows:

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

No - Council Member Lantz

Absent – None

The next item of business was considering authorizing City Manager Baker to enter into contract negotiations for a consultant to conduct a railroad relocation feasibility study. Public Works Director Baker reminded everyone that at the January 27<sup>th</sup> City Council meeting Council had authorized the City Manager to proceed with a preliminary engineering study of a new railroad location. Staff members from the City of Harrisonburg, Rockingham County and James Madison University worked together and released RFP's/REQ's to conduct a feasibility study to relocate a segment of the Chesapeake & Western Railway around the City. Mr. Baker said that the committee is recommending that Ralph Whitehead and Associates be selected as the consultant firm for this project. Council Member Peterson offered a motion to authorize the City Manager to begin negotiations with the recommended consultant firm. The motion was approved with a unanimous vote of Council.

The next item of business was a discussion concerning safety regulations for mopeds and motorized scooters. This item had been referred to the Harrisonburg Transportation Safety

Commission for their review and future report to City Council. City Manager Baker said that the Commission has reviewed the matter and agrees that a significant safety issue does exist in the City. However, a problem exists in that a locality cannot exact a local law that supersedes state law. Two Virginia cities, Martinsville and Roanoke have adopted ordinances regulating the use of bicycles and mopeds. Mr. Baker recommended that City Attorney Miller and City staff prepare an ordinance for Council review.

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from asset seizure funds to purchase a new PA system for the SWAT vehicle. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$3,079.00 chge. to: 1000-31010 Amount from fund balance

\$3,079.00 approp. to: 1000-310231-48211 Machinery & Equipment

The recorded roll call vote was taken as follows:

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

Absent – None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from Federal asset seizure funds to be used for a storage building on Chicago Avenue to store large evidence and property items. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$12,000.00 chge. to: 1000-31010 Amount from fund balance

\$12,000 approp. to: 1000-310131-48181 Replacement-Building and Grounds

The recorded roll call vote was taken as follows:

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

Absent – None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through a court ordered restitution case to replace a Police damaged bicycle. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$846.00 chge. to: 1000-31901 Recoveries & Rebates

\$846.00 approp. to: 1000-310231-46140 Other Operating

Assistant City Manager Kurt Hodgen announced that bids were opened for the Emergency Community Center. The low bidder was Nielsen Construction Company at \$1,083,341.00 with some adjustments including removing the emergency generator and fire alarm/sprinkler system. The City should be able to save approximately \$160,000.00 by rebidding the project.

Council Member Peterson offered a motion that William L. Jones, Jr., 94 Laurel Street, be appointed to an unexpired term on the Harrisonburg Planning Commission to expire on December 31, 2004. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Stanley Gray, 924 Mockingbird Drive, be appointed to a second term on the Harrisonburg Industrial Development Authority to expire on April 24, 2008. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Carolyn Frank, 374 South Carlton Street, be appointed as Harrisonburg's nominee to stand for election to the Executive Committee of the Central Shenandoah Planning District Commission. The motion was approved with a unanimous vote of Council.

At 11:10 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR



## 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
<b>Operating:</b>				
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
<b>Total Operating</b>	<b>124,432,794</b>	<b>3,805,152</b>	<b>128,237,946</b>	<b>133,421,798</b>
<b>Capital Projects:</b>				
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	-
<b>Total Capital Proj</b>	<b>7,958,856</b>	<b>74,148,055</b>	<b>82,106,911</b>	<b>5,293,389</b>
<b>Total</b>	<b>132,391,650</b>	<b>77,953,207</b>	<b>210,344,857</b>	<b>138,715,187</b>

#### 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
<b>Total Operating</b>	<b>124,432,794</b>	<b>3,805,152</b>	<b>128,237,946</b>	<b>133,421,798</b>

##### 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	-

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

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 inquiries. 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 17<sup>th</sup>, 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 13<sup>TH</sup> day of April, 2004.**

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**Mayor, City of Harrisonburg**

**ATTEST**

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**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 18<sup>th</sup> 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 18<sup>th</sup> and since bid prices are typically good for 30 days Friday, April 16<sup>th</sup> 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 13<sup>th</sup> 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.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

REGULAR MEETING

APRIL 27, 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.

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

Bucky Berry a resident of Harrisonburg complained about the City placing parking meters in front of downtown businesses again.

Council Member Lantz offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several Supplemental Appropriations for the Fire Department, School Board and the Police Department. The motion also included the second reading amending a Section 10-3-85 & 10-3-86 of the Harrisonburg City Code, a rezoning request by Cynthia Yount and a Joint Exercise of Power Agreement. The recorded roll call vote was taken as follows:

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

Absent – None

**APPROPRIATION ORDINANCE  
OF THE CITY OF HARRISONBURG, VIRGINIA  
For the Fiscal Year Ending June 30, 2005**

**AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2005. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENTS; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

**SECTION I - GENERAL FUND (1000)**

**That the following sums of money be and the same hereby are appropriated for general government purposes herein specified for the fiscal year ending June 30, 2005:**

**Paragraph One - City Council and Clerk (110111)**

For the current expenses and capital outlays of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred ninety-five thousand, two hundred seventy-nine dollars (\$195,279) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$95,978
(2)	Other Operating Expenses	94,801
(3)	Capital Outlays	4,500

**Paragraph Two - Office of City Manager (120111)**

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of three hundred thirty-two thousand, five hundred seventy dollars (\$332,570) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$233,158
(2)	Other Operating Expenses	97,912
(3)	Capital Outlays	1,500

**Paragraph Three - Office of City Attorney (120411)**

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of seventy-two thousand, fifty-five dollars (\$72,055) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$72,055
-----	--------------------------	----------

**Paragraph Four - Department of Human Resources (120511)**

For the current expenses of the DEPARTMENT OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of one hundred sixty-one thousand, five hundred eighty-two dollars (\$161,582) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$109,193
(2)	Other Operating Expenses	52,389

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of eight thousand, two hundred dollars (\$8,200) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |          |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$ 8,200 |
|-----|--------------------------|----------|

Paragraph Six - Commissioner of Revenue (120912)

For the current expenses and capital outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of three hundred fifty-four thousand, six hundred eighty-nine dollars (\$354,689) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$243,491 |
| (2) | Other Operating Expenses | 109,198   |
| (3) | Capital Outlays          | 2,000     |

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of one hundred eighty-five thousand, five hundred ninety-six dollars (\$185,596) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$108,567 |
| (2) | Other Operating Expenses | 59,179    |
| (3) | Capital Outlays          | 17,850    |

Paragraph Eight - Board of Equalization (121112)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of four thousand, five hundred dollars (\$4,500) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |         |
|-----|--------------------------|---------|
| (1) | Other Operating Expenses | \$4,500 |
|-----|--------------------------|---------|

Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of four hundred forty-four thousand, seven hundred twenty-three dollars (\$444,723) is appropriated from the General Fund to be apportioned as follows:

- |     |                   |           |
|-----|-------------------|-----------|
| (1) | Personal Services | \$249,781 |
|-----|-------------------|-----------|

(2)	Other Operating Expenses	188,942
(3)	Capital Outlays	6,000

Paragraph Ten - Department of Finance (121511)

For the current expenses and capital outlays of the DEPARTMENT OF FINANCE, a division of the General and Financial Administration, the sum of three hundred twenty-seven thousand, five hundred sixty-seven dollars (\$327,567) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$210,287
(2)	Other Operating Expenses	112,891
(3)	Capital Outlays	4,389

Paragraph Eleven - Retirement Board (121711)

For the current expenses of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of twelve thousand, nine hundred eighteen dollars (\$12,918) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$12,000
(2)	Other Operating Expenses	918

Paragraph Twelve – Information Technology (122011)

For the current expenses and capital outlays of INFORMATION TECHNOLOGY, a division of the General and Financial Administration, the sum of three hundred seventeen thousand, three hundred twenty-seven dollars (\$317,327) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$141,231
(2)	Other Operating Expenses	144,096
(3)	Capital Outlays	32,000

Paragraph Thirteen - Purchasing Agent (122211)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of one hundred one thousand, three hundred eighty-six dollars (\$101,386) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$74,526
(2)	Other Operating Expenses	25,500
(3)	Capital Outlay	1,360

Paragraph Fourteen - Electoral Board and Officials (130114)

For the current expenses and capital outlays of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of one hundred sixty-nine thousand, fifty-seven dollars (\$169,057) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$76,781
(2)	Other Operating Expenses	59,886
(3)	Capital Outlays	32,390

Paragraph Fifteen - Police Administration (310131)

For the current expenses and capital outlays of the POLICE ADMINISTRATION, a division of the Department of Public Safety, the sum of three hundred twenty-seven thousand, twelve dollars (\$327,012) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$123,888
(2)	Other Operating Expenses	202,624
(3)	Capital Outlays	500

Paragraph Sixteen - Police Operations Division (310231)

For the current expenses and capital outlays of the POLICE OPERATIONS DIVISION, a division of the Department of Public Safety, the sum of three million, two hundred three thousand, sixty-eight dollars (\$3,203,068) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$2,255,888
(2)	Other Operating Expenses	931,480
(3)	Capital Outlays	15,700

Paragraph Seventeen - Police Criminal Investigation Division (310331)

For the current expenses and capital outlays of the POLICE CRIMINAL INVESTIGATION DIVISION, the sum of seven hundred forty-two thousand, six hundred seventy-two dollars (\$742,672) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$514,022
(2)	Other Operating	228,650

Paragraph Eighteen - Police Support Services (310431)

For the current expenses and capital outlays of the POLICE SUPPORT SERVICES, a division of the Department of Public Safety, the sum of one million, five hundred eighty-five thousand, eighty-eight dollars (\$1,585,088) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$910,334
(2)	Other Operating Expenses	559,754
(3)	Capital Outlays	115,000

Paragraph Nineteen - Emergency Operations Center (310432)

For the current expenses and capital outlays of the EMERGENCY OPERATIONS CENTER, a division of the Department of Public Safety, the sum of one hundred sixteen thousand, three hundred fifty-nine dollars (\$116,359) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$116,359
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Paragraph Twenty - Fire Administration (320132)

For the current expenses of the FIRE ADMINISTRATION, a division of the Department of Public Safety, the sum of three hundred fifty thousand, seven hundred sixteen dollars (\$350,716) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$195,264
(2)	Other Operating Expenses	129,452
(3)	Capital Outlay	26,000

Paragraph Twenty-One - Fire Suppression (320232)

For the current expenses and capital outlays of the FIRE SUPPRESSION, a division of the Department of Public Safety, the sum of three million, seven hundred thirteen thousand, twelve dollars (\$3,713,012) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$2,353,977
(2)	Other Operating Expenses	1,190,485
(3)	Capital Outlays	168,550

Paragraph Twenty-Two - Fire Prevention (320332)

For the current expenses of FIRE PREVENTION, a division of the Department of Public Safety, the sum of two hundred fourteen thousand, five hundred forty-nine dollars (\$214,549) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$135,822
(2)	Other Operating Expenses	78,727

Paragraph Twenty-Three - Fire Training (320432)

For the current expenses and capital outlays of FIRE TRAINING, a division of the Department of Public Safety, the sum of one hundred forty-nine thousand, one hundred thirty-six dollars (\$149,136) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$92,814
(2)	Other Operating Expenses	53,222
(3)	Capital Outlays	3,100

Paragraph Twenty-Four - E911 System (320532)

For the current expenses of the E911 SYSTEM, a division of the Department of Public Safety, the sum of four hundred seventy-six thousand, seven dollars (\$476,007) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$212,540
(2)	Other Operating Expenses	263,467

Paragraph Twenty-Five - City and County Jail (330231)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of eighty-six thousand dollars (\$86,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$86,000
-----	--------------------------	----------

Paragraph Twenty-Six - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of five hundred fifty-seven thousand, thirty-six dollars (\$557,036) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$347,230
(2)	Other Operating Expenses	161,606
(3)	Capital Outlays	48,200

Paragraph Twenty-Seven - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of one hundred two thousand, five hundred seventy-five dollars (\$102,575) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$28,309
(2)	Other Operating Expenses	74,266

Paragraph Twenty-Eight - Coroner (350331)

For the current expenses of the CORONER, a division of the Department of Public Safety, the sum of nine hundred dollars (\$900) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |       |
|-----|--------------------------|-------|
| (1) | Other Operating Expenses | \$900 |
|-----|--------------------------|-------|

Paragraph Twenty-Nine - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of sixty-six thousand, two hundred twenty-four dollars (\$66,224) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |          |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$66,224 |
|-----|--------------------------|----------|

Paragraph Thirty - General Engineering/Administration (410121)

For the current expenses and capital outlays of GENERAL ENGINEERING/ADMINISTRATION, a division of the Department of Public Works, the sum of seven hundred sixty-nine thousand, two hundred thirty-two dollars (\$769,232) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$492,406 |
| (2) | Other Operating Expenses | 241,276   |
| (3) | Capital Outlays          | 35,550    |

Paragraph Thirty-One - Highway and Street Maintenance (410241)

For the current expenses and capital outlays of HIGHWAY AND STREET MAINTENANCE, a division of the Department of Public Works, the sum of three million, seven hundred seventy-six thousand, one hundred ten dollars (\$3,776,110) is appropriated from the General Fund to be appointed as follows:

- |     |                          |             |
|-----|--------------------------|-------------|
| (1) | Personal Services        | \$1,160,196 |
| (2) | Other Operating Expenses | 2,200,646   |
| (3) | Capital Outlays          | 415,268     |

Paragraph Thirty-Two - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred fifty-five thousand, eight hundred dollars (\$455,800) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |            |
|-----|--------------------------|------------|
| (1) | Other Operating Expenses | \$ 455,800 |
|-----|--------------------------|------------|

Paragraph Thirty - Three - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of one hundred eighty-eight thousand, nine hundred forty-six dollars (\$188,946) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$48,719
(2)	Other Operating Expenses	130,227
(3)	Capital Outlays	10,000

Paragraph Thirty-Four - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of nine hundred seventy-eight thousand, four hundred thirteen dollars (\$978,413) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$309,894
(2)	Other Operating Expenses	460,046
(3)	Capital Outlays	208,473

Paragraph Thirty-Five - Highway/Street Beautification (410841)

For the current expenses and capital outlays of HIGHWAY/STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of three hundred six thousand, four hundred fourteen dollars (\$306,414) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$132,672
(2)	Other Operating Expenses	137,742
(3)	Capital Outlays	36,000

Paragraph Thirty-Six - Street and Road Cleaning (420241)

For the current expenses and capital outlays of STREET AND ROAD CLEANING, a division of Public Works, the sum of two hundred fifty-four thousand, two hundred one dollars (\$254,201) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$130,868
(2)	Other Operating Expenses	123,333

Paragraph Thirty-Seven - Insect and Rodent Control (420641)

For the current expenses of INSECT AND RODENT CONTROL, a division of the Department of the Public Works, the sum of forty-two thousand, one hundred twenty dollars (\$42,120) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$42,120
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Paragraph Thirty-Eight – Harrison Plaza (430121)

For the current expenses and capital outlays of HARRISON PLAZA, a division of the Department of the Public Works, the sum of one-hundred seventy-six thousand, two hundred

eighty-seven dollars (\$176,287) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 30,692
(2)	Other Operating Expenses	143,595
(3)	Capital Outlays	2,000

Paragraph Thirty-Nine - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of two hundred three thousand, eight hundred fifty-five dollars (\$203,855) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$23,948
(2)	Other Operating Expenses	136,907
(3)	Capital Outlays	43,000

Paragraph Forty - Local Health Department (510111)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of three hundred six thousand, eight hundred seventy-one dollars (\$306,871) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$306,871
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Paragraph Forty-One - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of two hundred six thousand, four hundred seventy dollars (\$206,470) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$206,470
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Paragraph Forty-Two - Tax Relief for Elderly (530611)

For the current expenses TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of twenty-one thousand dollars (\$21,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$21,000
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Paragraph Forty-Three - Parks and Recreation Administration (710171)

For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of eight hundred

eighty-one thousand, five hundred eight dollars (\$881,508) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$303,452
(2)	Other Operating Expenses	467,056
(3)	Capital Outlays	111,000

Paragraph Forty-Four - Parks (710271)

For the current expenses and capital outlays of PARKS, a division of Parks, Recreation and Cultural, the sum of eight hundred ninety-three thousand, five hundred ninety-nine dollars (\$893,599) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$383,841
(2)	Other Operating Expenses	216,138
(3)	Capital Outlays	293,620

Paragraph Forty-Five – Recreation Centers and Playgrounds (710471)

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of five hundred forty-one thousand, eight hundred fifty dollars (\$541,850) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$300,032
(2)	Other Operating Expenses	154,818
(3)	Capital Outlays	87,000

Paragraph Forty-Six - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of eighty-three thousand, seven hundred twenty-one dollars (\$83,721) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$39,019
(2)	Other Operating Expenses	44,702

Paragraph Forty-Seven - Simms Recreation Center (710671)

For the current expenses of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of thirty-eight thousand, six hundred fifty-seven dollars (\$38,657) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$5,349
(2)	Other Operating Expenses	33,308

Paragraph Forty-Eight - Westover Pool (710771)

For the current expenses and capital outlays of the WESTOVER POOL, a division of Parks, Recreation and Cultural, the sum of four hundred seventy-three thousand, two hundred sixteen dollars (\$473,216) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$172,363
(2)	Other Operating Expenses	126,853
(3)	Capital Outlays	174,000

Paragraph Forty-Nine - Athletics (710871)

For the current expenses and capital outlays of the ATHLETICS, a division of Parks, Recreation and Cultural, the sum of four hundred ten thousand, nine hundred seventy-four dollars (\$410,974) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$177,654
(2)	Other Operating Expenses	168,320
(3)	Capital Outlays	65,000

Paragraph Fifty - Planning (810121)

For the current expenses and capital outlays of the PLANNING. A division of the Department of Community Development, the sum of one hundred sixty-one thousand, two hundred six dollars (\$161,206) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$77,836
(2)	Other Operating Expenses	77,870
(3)	Capital Outlays	5,500

Paragraph Fifty-One - Zoning Administrator (810221)

For the current expenses of ZONING ADMINISTRATOR, a division of the Department of Community Development, the sum of one hundred forty-eight thousand, seven hundred fifty-one dollars (\$148,751) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$104,251
(2)	Other Operating Expenses	43,700
(3)	Capital Outlay	800

Paragraph Fifty-Two - Board of Zoning Appeals (810421)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of four thousand, eight hundred ninety-two dollars (\$4,892) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$900
(2)	Other Operating Expenses	3,992

Paragraph Fifty-Three - Economic Development (810521)

For the current expenses and capital outlays of ECONOMIC DEVELOPMENT, the sum of eight hundred fifty-eight thousand, nine hundred sixty-three dollars (\$858,963) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 83,630
(2)	Other Operating Expenses	172,833
(3)	Capital Outlays	602,500

Paragraph Fifty-Four – Downtown Renaissance - (810621)

For the current expenses and capital outlays of DOWNTOWN RENAISSANCE, the sum of fifty-six thousand, four hundred dollars (\$56,400) is appropriated from the General Fund to be appropriated as follows:

(1)	Personal Services	\$ 44,370
(2)	Other Operating Expenses	12,030

Paragraph Fifty-Five – Non-Departmental-Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of one million, one hundred sixteen thousand, one hundred thirty-three dollars (\$1,116,133) is appropriated from the General Fund to be apportioned as follows:

43850	Central Shenandoah Planning District	\$13,285
45642	Local Chamber of Commerce	3,000
45644	Salvation Army	10,000
45645	Rescue Squad-Gas and Oil	20,000
45647	Shen Val. Soil & Water Conservation Dist.	3,850
45648	Blue Ridge Community College	5,000
45650	Valley Program for Aging Services	25,000
45652	First Step, Inc.	21,000
45653	Non-Departmental CATV	5,000
45654	Convention & Visitors Bureau	168,500
45656	BRCC – Site Improvement	24,000
45659	Blue Ridge Legal Services	5,277
45660	Other Non-departmental	21,000
45662	Free Clinic Inc.	8,500
45663	Community Mediation Center	2,000
45664	Woodbine Cemetery	1,500
45669	Boys and Girls Club	45,000
44883	First Night	5,000

45885 Arts Council of Valley	40,000
45888 Downtown Renaissance	23,600
45889 Little League Association	6,000
47010 Massanutten Regional Public Library-Operating	336,590
47020 Upper Valley Regional Park Authority	15,000
47030 Juvenile Detention Home	308,031

Paragraph Fifty-Six - Non-Departmental - Joint Operations (910511)

For the payment of joint expenses, the sum of three million, three hundred seventy-one thousand, five hundred twenty dollars (\$3,371,520) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc.	\$1,600,000
47071 Expense of Social Service District	1,771,520

Paragraph Fifty-Seven - Non-Departmental Subscriptions/Contribution (910611)

For the payment of Airport Expenses, the sum of sixty-seven thousand, nine hundred twenty-three dollars (\$67,923) is appropriated from the General Fund to be apportioned as follows:

47040 Airport - Operating	\$67,923
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Paragraph Fifty-Eight - Non-Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of eighteen thousand dollars (\$18,000) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$18,000
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Paragraph Fifty-Nine - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of two hundred thousand dollars (\$200,000) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$200,000
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Paragraph Sixty – Debt Service (980142)

For the payment of interest and principal on bonds and lease purchases and bank seven million, eight hundred eight thousand, eight hundred twenty-two dollars (\$7,808,822) is appropriated from the General Fund to be apportioned as follows:

(1) Principal and Interest	\$7,805,222
(2) Bank Handling Charges	3,600

Paragraph Sixty-One - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-three million, eight hundred seven thousand, thirty-six dollars (\$23,807,036) is appropriated from the General Fund to be apportioned as follows:

(1)	General Capital Projects Fund	\$ 705,000
(2)	Emergency Community Center Fund	302,604
(3)	School Fund	20,543,888
(4)	Central Garage Fund	97,872
(5)	Central Stores Fund	3,624
(6)	Public Transportation Fund	707,112
(7)	Sanitation Fund	1,144,596
(8)	Golf Course Fund	299,916
(9)	Parking Authority Fund	2,424

**S U M M A R Y**

**Expenditures and Revenues**

Total General Fund Appropriation for the  
Fiscal Year Ending June 30, 2005 \$63,006,693

To be provided for from the following Estimated Revenues which are as follows:

Amount from Fund Balance	\$ 3,028,788
General Property Taxes	18,640,708
Other Local Taxes	27,898,973
Permits, Privilege Fees and Regulatory Licenses	308,520
Fines and Forfeitures	407,000
Revenue from use of Money & Property	291,000
Charges for Services	258,700
Miscellaneous Revenue	4,555,716
Recovered Costs	62,500
State Non-Categorical Aid	2,632,700
State Shared Expenses (Categorical-Aid)	274,550
State Other (Categorical-Aid)	3,041,643
Federal Categorical Aid	25,500
Loan Proceeds	0
Transfers from other Funds	<u>1,580,395</u>

Total General Fund Revenue  
for the Fiscal Year Ending June 30, 2005 \$63,006,693

**SECTION II - SCHOOL FUND (1111)**

**That the following sums of money be and the same hereby are appropriated for school purposes specified for the fiscal year ending June 30, 2005:**

**Paragraph One - Instruction (40610)**

For the current expenses of INSTRUCTION, of the department of education, the sum of thirty million, fifteen thousand, seven hundred seventy-four dollars (\$30,015,774) is appropriated from the City School Fund to be apportioned as follows:

- |     |             |              |
|-----|-------------|--------------|
| (1) | Instruction | \$30,015,774 |
|-----|-------------|--------------|

**Paragraph Two - Administration/Attendance & Health Service (40620)**

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE, of the department of education, the sum of two million, thirty-one thousand, two hundred eight dollars (\$2,031,208) is appropriated from the City School Fund to be apportioned as follows:

- |     |  |             |
|-----|--|-------------|
| (1) | Administration/Attendance & Health Service | \$2,031,208 |
|-----|--|-------------|

**Paragraph Three - Pupil Transportation Services (40630)**

For the current expenses of PUPIL TRANSPORTATION SERVICES, of the department of education, the sum of one million, two hundred sixty-eight thousand, two hundred ninety-eight dollars (\$1,268,298) is appropriated from the City School Fund to be apportioned as follows:

- |     |                              |             |
|-----|------------------------------|-------------|
| (1) | Pupil Transportation Service | \$1,268,298 |
|-----|------------------------------|-------------|

**Paragraph Four - Operations & Maintenance (40640)**

For the current expenses of OPERATIONS AND MAINTENANCE, of the department of education, the sum of three million, seven hundred fifteen thousand, ninety-six dollars (\$3,715,096) is appropriated from the City School Fund to be apportioned as follows:

- |     |                            |             |
|-----|----------------------------|-------------|
| (1) | Operations and Maintenance | \$3,715,096 |
|-----|----------------------------|-------------|

**Paragraph Five - School Food Services and Other Non-Instructional Operations (40650)**

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL OPERATIONS, of the department of education, the sum of two million, one hundred forty thousand, six hundred fifty-two dollars (\$2,140,652) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services & Other Non Instructional Operations	\$2,140,652
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Paragraph Six - Facilities (40660)

For the current expenses of FACILITIES, of the department of education, the sum of two thousand dollars (\$2,000) is appropriated from the City School Fund to be apportioned as follows:

(1) Facilities	\$2,000
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Paragraph Seven – Transfers (40673)

For sharing the costs of operation in other funds for the benefit of the School Fund, the sum of three hundred seventy-six thousand, two hundred fifty-nine dollars (\$376,259) is appropriated from the School Fund to be apportioned as follows:

(1) Transfer to General Fund	\$ 376,259
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Paragraph Eight - Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Education, the sum of two million, two hundred nine thousand, four hundred forty-two dollars (\$2,209,442) is appropriated from the City School Fund to be apportioned as follows:

(1) Technology	\$2,209,442
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**S U M M A R Y**

Expenditures and Revenues

Total School Fund Appropriations for Fiscal Year Ending June 30, 2005	<u>\$41,758,729</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$ 0
Revenue from Other Funds	1,924,550
Revenue from State School Funds	15,209,014
Revenue from Federal Funds	4,081,277
Transfers Receipts from City's General Fund	<u>20,543,888</u>
 Total School Fund Revenue for the Fiscal Year Ending June 30, 2005	 <u>\$41,758,729</u>

**SECTION III – EMERGENCY COMMUNICATION CENTER FUND (1116)**

**That the following sums of money be and the same hereby are appropriated for appropriated for Emergency Communication Center purposes specified for the fiscal year ended June 30, 2005:**

**Paragraph One – Emergency Operations CTR (321132)**

For the current expenses of the EMERGENCY OPERATIONS CTR, a division of the EMERGENCY COMMUNICATION CENTER FUND, the sum of one hundred forty-one thousand, seven hundred ninety-three dollars (\$141,793) appropriated as follows:

(1)	Other Operating Expenses	\$113,293
(2)	Capital Outlay	28,500

**Paragraph Two – E-911 Systems (321232)**

For the current expenses of the E-911 system, a division of the EMERGENCY COMMUNICATION CENTER FUND, the sum of nine hundred three thousand, eight hundred sixty-six dollars (\$903,866) is appropriated from the EMERGENCY COMMUNICATION CENTER FUND to be apportioned as follows:

(1)	Personal Services	\$549,580
(2)	Other Operating Expenses	354,286

**Summary**

**Expenditures and Revenues**

Total Emergency Communication Center Fund Appropriations For the Fiscal Year Ending June 30, 2005	<u>\$1,045,659</u>
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To be provided for from the following estimated revenue, which is as follows:

Transfers from other Funds	<u>\$1,045,659</u>
Total Emergency Communication Center Fund Revenue For the fiscal Year Ending June 30, 2005	<u>\$1,045,659</u>

**SECTION IV – COMMUNITY DEVELOPMENT BLOCK GRANT FUND (1117)**

**That the following sums of money be and the same hereby are appropriated for Community Development Block Grant purposes herein specified for the fiscal year ending June 30, 2005.**

**Paragraph One – Community Development Block Grant (810721)**

For the current expenses of the COMMUNITY DEVELOPMENT BLOCK GRANT, a division of COMMUNITY DEVELOPMENT BLOCK GRANT FUND, the sum of six hundred forty-eight thousand dollars (\$648,000) is appropriated from the Community Development Block Grant to be appropriated as follows:

(1)	Personal Services	\$ 49,026
(2)	Other Operating Expenses	380,244
(3)	Capital Outlay	2,350
(4)	Transfers	216,380

**SUMMARY**

**Expenditures and Revenues**

Total Community Development Block Grant Fund Appropriations  
for the year ending June 30, 2005 \$648,000

To be provided for from the following estimated revenues, which are as follows:

Transfers From other Funds \$648,000

Total Community Development Block Grant Fund Revenue  
For the Fiscal Year Ending June 30, 2005 \$648,000

**SECTION V – GENERAL CAPITAL PROJECTS FUND (1310)**

**That the following sum of money be and the same hereby are appropriated for General Capital Projects purposes herein specified for the fiscal year ended June 30, 2005:**

**Paragraph One – Capital Projects (910141)**

For the payment of capital expenditures of the General Capital Projects Fund, the sum of two million, nine hundred sixty-one thousand, three hundred thirty-three dollars (\$2,961,333)

48606	Public Safety Facility	\$ 51,367
48610	2-way Communication System	166,061
48616	Citywide Drainage Program	5,000
48636	Stone Spring Road Improvement	1,000,000

48637 Erickson Avenue Extension	1,009,910
48656 Country Club Road-Streets	200,000
48691 Simms Bldg. Renovation	12,464
48694 Rescue Squad Building Construction	16,531
48696 Linda Lane Extension	500,000

**S U M M A R Y**

**Expenditures and Revenues**

Total General Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2005	<u>\$2,961,333</u>
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To be provided from the following estimated revenues, which are as follows:

31010 Fund Balance	\$ 256,333
34110 Bond Proceeds	2,000,000
34210 Transfer from General Fund	<u>705,000</u>

Total General Capital Projects Fund Revenue For the fiscal Year Ending June 30, 2005	<u>\$2,961,333</u>
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**SECTION VI - Water Capital Projects Fund (1321)**

**That the following sum of money be and the same hereby are appropriated for Water Capital Projects purposes herein specified for the fiscal year ended June 30, 2005:**

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one million, five hundred twenty-nine thousand, eighty-six dollars (\$1,529,086) is appropriated as follows:

48621 Western Raw Water Line	\$340,000
48623 Reservoir Covers	70,904
48627 Water Tank Repairs	40,000
48628 WTP Expansion Project	119,018
48633 Smithland Road	40,000
48634 Water Main Oversize/Extend	40,000
48635 Water Main Upgrades	40,000
48654 Eastern Source Development	839,164

**S U M M A R Y**

**Expenditures and Revenues**

Total Water Capital Projects Fund Appropriations for the Fiscal Year Ended June 30, 2005	<u>\$ 1,529,086</u>
---	---------------------

To be provided for from the following estimated revenue, which is as follows:

31010 Fund Balance	253,229
34220 Transfer from Water Fund	<u>\$ 1,275,857</u>

Total Water Capital Projects Fund Revenue for the Fiscal Year Ended June 30, 2005	<u>\$ 1,529,086</u>
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**SECTION VII - Sewer Capital Projects Fund (1322)**

**That the following sum of money be and the same hereby are appropriated for Sewer Capital Projects purposes herein specified for the fiscal year ended June 30, 2005:**

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of three hundred thousand dollars (\$300,000) is appropriated as follows:

48645 PHR&A I&I	125,000
48650 Sewer Main Oversize/Extension	50,000
48651 Sewer Main Upgrades	125,000

**S U M M A R Y**

**Expenditures and Revenues**

Total Sewer Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2005	<u>\$300,000</u>
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To be provided from the following estimated revenue which is as follows:

34230 Transfer from Sewer Fund	<u>\$300,000</u>
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Total Sewer Capital Projects Fund Revenue for the Fiscal Year Ended June 30, 2005	<u>\$300,000</u>
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**SECTION VIII - Sanitation Capital Projects Fund (1324)**

**That the following sum of money be and the same hereby are appropriated for Sanitation Capital Projects purposes herein specified for the fiscal year ended June 30, 2005:**

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of one million, five hundred twenty-one thousand, three hundred eleven dollars (\$1,521,311) is appropriated as follows:

48681	City Landfill closure and monitoring	\$170,000
48683	Steam Plant for CISAT	125,000
48684	County Landfill Development & Closure	717,532
48686	Rebuild Steam Plant	508,779

**S U M M A R Y**

**Expenditure and Revenue**

Total Sanitation Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2005	<u>\$1,521,311</u>
---	--------------------

To be provided from the following estimated revenue which is as follows:

31010	Fund Balance	508,779
34270	Transfer from Sanitation Fund	<u>1,012,532</u>

Total Sanitation Capital Projects Fund Revenue for the Fiscal Year Ended June 30, 2005	<u>\$ 1,521,311</u>
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**SECTION IX – Parking Authority Capital Projects Fund (1325)**

**That the following sum of money be and the same hereby are appropriated for the Parking Authority Capital Projects purposes herein specified for the fiscal year ended June 30, 2005:**

Paragraph One - Capital Projects (910641)

For the payment of capital expenditures of the Parking Authority Capital Projects Fund, the sum of ninety-nine thousand, two hundred forty-four dollars (\$99,244) is appropriated as follows:

48653	Rehab. Parking Deck	\$ 99,244
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**S U M M A R Y**

**Expenditure and Revenue**

Total Parking Authority Projects Fund appropriation  
for the Fiscal Year Ended June 30, 2005 \$ 99,244

To be provided from the following estimated revenue which is as follows:

31010 Fund Balance \$ 99,244

Total Parking Authority Capital Projects Fund Revenue  
for the Fiscal Year Ended June 30, 2005 \$ 99,244

**SECTION X- WATER FUND (2011)**

**That the following sums of money be and the same hereby are appropriated for water purposes herein specified for the fiscal year ending June 30, 2005:**

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred fifty-nine thousand, five hundred eighty-nine dollars (\$259,589) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$140,109
(2)	Other Operating Expenses	119,480

Paragraph Two - Pumping, Storage and Monitoring (322061)

For the current expenses of PUMPING, STORAGE AND MONITORING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of four hundred twenty-two thousand, five hundred two dollars (\$422,502) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$34,330
(2)	Other Operating Expenses	388,172

Paragraph Three - Transmission and Distribution (332061)

For the current expenses of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of six hundred twenty-nine thousand, three hundred fifty-five dollars (\$629,355) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$374,228
(2)	Other Operating Expenses	255,127

Paragraph Four - Utility Billing (342061)

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of one hundred ninety-two thousand, seven hundred eight dollars (\$192,708) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$75,839
(2)	Other Operating Expenses	116,869

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of one million, four hundred sixty-six thousand, thirty-six dollars (\$1,466,036) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$14,800
(2)	Depreciation	1,211,200
(3)	Taxes, etc.	240,036

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of eight hundred nine thousand, eight hundred forty dollars (\$809,840) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$471,395
(2)	Other Operating Expenses	338,445

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Water Fund, the sum of one hundred eighty-six thousand dollars (\$186,000) is appropriated from the Water Fund to be apportioned as follows:

(1)	Capital Outlays	\$186,000
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Paragraph Eight – Debt Service (382061)

For the payment of interest and principal, etc., on bonds of the Water Department, the sum of six hundred eighty thousand, eight hundred seventy-nine dollars (\$680,874) is appropriated from the Water Fund to be apportioned as follows:

(1)	Principal and Interest	\$680,874
-----	------------------------	-----------

Paragraph Nine – Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of one million, eight hundred seven thousand, one hundred ninety-three dollars (\$1,807,193) is appropriated from the Water Fund to be apportioned as follows:

(1)	General Fund-Share of Accounting, Collecting & Data Processing	\$ 479,364
(2)	Water Capital Projects Fund	1,275,857
(3)	Central Stores Fund	51,972

### S U M M A R Y

#### **Expenditures and Revenues**

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 2005	<u>\$6,454,097</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$ 81,897
Permits, Privilege Fees and Regulatory Licenses	225,000
Revenue from use of Money & Property	97,000
Charges for Services	4,613,000
Recovered Costs	225,500
Miscellaneous Revenues	500
Transfers for depreciation	<u>1,211,200</u>

Total Water Fund Revenues for the Fiscal Year Ending June 30, 2005	<u>\$6,454,097</u>
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### SECTION XI - SEWER FUND (2012)

**That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 2005.**

#### Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of four hundred sixty-eight thousand, seven hundred seventy-three dollars (\$468,773) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$297,374
(2)	Other Operating Expenses	171,399

Paragraph Two - Treatment and Disposal (422061)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one million, four hundred sixteen thousand, five hundred eighty-four dollars (\$1,416,584) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |              |
|-----|--------------------------|--------------|
| (1) | Other Operating Expenses | \$ 1,416,584 |
|-----|--------------------------|--------------|

Paragraph Three - Collection and Transmission (432061)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of seven hundred forty-seven thousand, four hundred seventy dollars (\$747,470) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$419,857 |
| (2) | Other Operating Expenses | 327,613   |

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, one hundred fifty-three thousand, nine hundred four dollars (\$1,153,904) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |          |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$ 6,800 |
| (2) | Depreciation             | 949,428  |
| (3) | Taxes, etc.              | 197,676  |

Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred ninety-nine thousand, twenty dollars (\$199,020) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$118,678 |
| (2) | Other Operating Expenses | 80,342    |

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of seventy-two thousand, two hundred ninety-six dollars (\$72,296) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                   |          |
|-----|-------------------|----------|
| (1) | Personal Services | \$34,330 |
| (2) | Other Operating   | 37,966   |

Paragraph Seven - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two hundred fifty-one thousand dollars (\$251,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlays	\$251,000
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Paragraph Eight – Debt Service (482061)

For the payment of the City’s share of interest and principal on HRSA debt, the sum of one million, twenty eight thousand, two hundred ninety-one dollars (\$1,028,291) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$1,028,291
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Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of seven hundred sixty-eight thousand, two hundred thirty dollars (\$768,230) is appropriated from the Sewer Fund to be apportioned as follows:

(1) General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$463,392
(2) Sewer Capital Projects Fund	300,000
(3) Central Stores Fund	4,838

**S U M M A R Y**

**Expenditures and Revenues**

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 2005	<u>\$6,105,568</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	258,140
Permits, Privilege Fees and Regulatory Licenses	176,000
Revenue from use of Money & Property	60,000
Charges for Services	4,615,000
Recovered Costs	47,000
Transfers for depreciation	<u>949,428</u>

Total Sewer Fund Revenues

**SECTION XII - PUBLIC TRANSPORTATION FUND (2013)**

**That the following sum of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 2005:**

Paragraph One - Transit Buses (812081)

For the current expenses and depreciation of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of two million, two hundred thirty-nine thousand, six hundred sixty-four dollars (\$2,239,664) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$1,103,968
(2)	Other Operating Expenses	1,060,696
(3)	Depreciation	75,000

Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of one million, four hundred twenty-nine thousand, two hundred twenty-one dollars (\$1,429,221) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$735,281
(2)	Other Operating Expenses	633,940
(3)	Depreciation	60,000

Paragraph Three - Field Trips & Charters (832081)

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the Public Transportation Fund, the sum of one hundred fifty-five thousand, four hundred fifty-nine dollars (\$155,459) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$108,428
(2)	Other Operating Expenses	47,031

Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of sixty-seven thousand, two hundred ninety-seven dollars (\$67,297) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$3,492
(2)	Other Operating Expenses	13,801

(3) Depreciation 50,004

Paragraph Five - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of five hundred fifty-five thousand dollars, (\$555,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlays \$ 555,000

**S U M M A R Y**

Expenditures and Revenues

Total Public Transportation Fund Appropriations  
for the Fiscal Year Ending June 30, 2005 \$4,446,641

To be provided for from the following Estimated Revenues, which are as follows:

Use of Money and Property \$ 54,000  
Charges for Services 2,271,795  
Miscellaneous Revenue 2,000  
State Categorical Aid 540,730  
Federal Categorical Aid 686,000  
Transfers from General Fund and depreciation 892,116

Total Public Transportation Fund Revenues  
for the Fiscal Year ending June 30, 2005 \$4,446,641

**SECTION XIII - SANITATION FUND (2014)**

**That the following sums of money be and the same hereby are appropriated for Sanitation purposes herein specified for the fiscal year ending June 30, 2005:**

Paragraph One - Co-Generation Facility (912142)

For the current expenses of the CO-GENERATION FACILITY, a division of the Sanitation Fund, the sum of two hundred thirty-nine thousand, five hundred twenty-seven dollars (\$239,527) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services \$ 66,623  
(2) Other Operating Expenses 172,904

Paragraph Two - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of two million, six hundred eighty-three thousand, six hundred eighty-eight dollars (\$2,683,688) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$1,025,022
(2)	Other Operating Expenses	1,658,666

Paragraph Three - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of five hundred eighty-four thousand, nine hundred fifty-four dollars (\$584,954) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$343,933
(2)	Other Operating Expenses	241,021

Paragraph Four - Landfill (932042)

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of five hundred seventeen thousand, three dollars (\$517,003) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 30,963
(2)	Other Operating Expenses	486,040

Paragraph Five - Miscellaneous (942042)

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Sanitation Fund, the sum of four hundred seventy-two thousand, eight hundred eleven dollars (\$472,811) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 759
(2)	Depreciation	424,714
(3)	Bond Issue cost	20,793
(4)	Land and steam agreement	26,545

Paragraph Six - Recycling (952042)

For the current expenses of the RECYCLING, a division of the Sanitation Fund, the sum of eight hundred eighteen thousand, eight hundred twenty dollars (\$818,820) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$339,799
(2)	Other Operating Expenses	479,021

Paragraph Seven - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of three hundred thirty thousand dollars (\$330,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlays	\$330,000
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Paragraph Eight - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of one million, two hundred eleven thousand, one hundred twenty-eight dollars (\$1,211,128) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Principal and Interest	\$1,211,128
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Paragraph Nine - Transfers (990242)

For transfers to Capital Projects of the Sanitation Fund. The sum of one million, twelve thousand, five hundred thirty-two dollars (\$1,012,532) is appropriated from the Sanitation Fund to be apportioned as follows.

(1) Transfers to Sanitation Capital Projects Fund	\$1,012,532
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**S U M M A R Y**

**Expenditures and Revenues**

Total Sanitation Fund appropriations for the Fiscal Year Ending June 30, 2005	<u>\$7,870,463</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Amount from Fund Balance	\$ 370,486
License permits & priv. fee	200
Revenue from use of Money & Property	76,800
Charges for Services	3,175,618
Miscellaneous Revenues	60,000
Recovered Costs	2,570,711
Transfers from General Fund, depreciation, etc.	<u>1,616,648</u>

Total Sanitation Fund Revenues for the Fiscal Year Ending June 30, 2005	<u>\$7,870,463</u>
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**SECTION XIV - PARKING AUTHORITY FUND (2015)**

**That the following sums of money be and the same hereby are appropriated for Parking Authority purposes herein specified for the fiscal year ending June 30, 2005:**

Paragraph One - Parking Authority (410641)

For the current expenses and capital outlays and transfers of the PARKING AUTHORITY, a division of the Parking Authority Fund, the sum of two hundred forty-six thousand, six hundred forty-four dollars (\$246,644) is appropriated from the Parking Authority Fund to be apportioned as follows:

(1)	Personal Services	\$104,034
(2)	Other Operating Expenses	97,610
(3)	Transfers	45,000

**S U M M A R Y**

**Expenditures and Revenues**

Total Parking Authority Fund Appropriations for the Fiscal Year Ending June 30, 2005	<u>\$246,644</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Amount from Fund Balance	\$ 83,620
Fines and Forfeiture	60,000
Revenue from use of money and property	6,000
Charges for Services	94,600
Transfers from General Fund	<u>2,424</u>

Total Parking Authority Fund Revenues for the Fiscal Year Ending June 30, 2005	<u>\$246,644</u>
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**SECTION XV - GOLF COURSE FUND (2016)**

**That the following sums of money be and the same hereby are appropriated for Golf Course purposes herein specified for the fiscal year ending June 30, 2005:**

Paragraph One - Grounds Management Operations (720271)

For the current expenses of the GROUNDS MANAGEMENT OPERATIONS, a division of the Golf Course Fund, sum of five hundred thirty-one thousand, eighty-one dollars (\$531,081) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Personal Services	\$254,861
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(2)	Other Operating Expenses	276,220
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Paragraph Two - Clubhouse Management Operations (720371)

For the current expenses of the CLUBHOUSE MANAGEMENT OPERATIONS, a division of the Golf Course Fund, the sum of two hundred ninety-one thousand, nine hundred twelve dollars (\$291,912) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Personal Services	\$131,686
(2)	Other Operating Expenses	160,226

Paragraph Three – Capital Outlay (720771)

For the capital outlays of the Golf Course Fund, the sum of twenty-one thousand dollars (\$21,000) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Capital Outlays	\$ 21,000
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Paragraph Four – Debt Service (720871)

For the payment of interest on a portion of the interest on the Public Recreation Facility General Obligation and Revenue Bonds, the sum of three hundred sixty-two thousand, five hundred forty dollars (\$362,540) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Principal and Interest	\$360,340
(2)	Bank Handling Charges	2,200

**S U M M A R Y**

**Expenditures and Revenues - Bond**

Total Golf Course Fund appropriations for the Fiscal Year Ending June 30, 2005	<u>\$1,206,533</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Charges for Services	\$ 853,600
Miscellaneous Revenue	53,017
Transfer from General Fund	<u>299,916</u>

Total Golf Course Fund Revenue for the Fiscal Year Ending June 30, 2005	<u>\$1,206,533</u>
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**SECTION XVI - CENTRAL GARAGE FUND (2111)**

**That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2005:**

**Paragraph One - Operating (612141)**

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of six hundred fifty-six thousand, twenty-six dollars (\$656,026) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Personal Services	\$450,032
(2)	Other Operating Expenses	205,994

**Paragraph Two - Capital Outlay (672141)**

For the capital outlays of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of fifteen thousand dollars (\$15,000) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Capital Outlays	\$15,000
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**S U M M A R Y**

**Expenditures and Revenues**

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 2005	<u>\$671,026</u>
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To be provided for from the following Estimated Revenue, which is as follows:

Use of Money and Property	\$ 1,500
Charges for Services	571,654
Transfer	<u>97,872</u>

Total Central Garage Fund Revenue for the Fiscal Year Ending June 30, 2005	<u>\$671,026</u>
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**SECTION XVII - CENTRAL STORES OPERATING FUND (2112)**

**That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2005:**

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of sixty thousand, four hundred thirty-four dollars (\$60,434) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)	Personal Services	\$ 31,175
(2)	Other Operating Expenses	29,259

**S U M M A R Y**

**Expenditures and Revenues**

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 2005	<u>\$60,434</u>
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To be provided for from the following Estimated Revenue, which is as follows:

Transfers from other Funds	<u>\$60,434</u>
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Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 2005	<u>\$60,434</u>
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**TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV  
IN THIS ORDINANCE  
FOR THE FISCAL YEAR ENDING June 30, 2005  
RECAPITULATION**

Section I	General Fund	\$63,006,693
Section II	School Fund	41,758,729
Section III	Emergency Communication Center Fund	1,045,659
Section IV	Community Development Block Grant Fund	648,000
Section V	General Capital Projects Fund	2,961,333
Section VI	Water Capital Projects Fund	1,529,086
Section VII	Sewer Capital Projects Fund	300,000
Section VII	Sanitation Capital Projects Fund	1,521,311
Section IX	Parking Authority Capital Projects Fund	99,244
Section X	Water Fund	6,454,097
Section XI	Sewer Fund	6,105,568
Section XII	Public Transportation Fund	4,446,641
Section XIII	Sanitation Fund	7,870,463

Section XIV	Parking Authority Fund	246,644
Section XV	Golf Course Fund	1,206,533
Section XVI	Central Garage Fund	671,026
Section XVII	Central Stores Fund	<u>60,434</u>
TOTAL APPROPRIATIONS		<u>139,931,461</u>

**SECTION XVIII**

All of the monies appropriated as shown by the contained items in Sections I through XV are appropriated upon the terms, conditions and provisions herein before set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1979, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate and Manufactured Homes as defined in Section §36-85.3, Code of Virginia, 1950, as amended, be fixed at Sixty-two cents (\$0.62), and that the rate of taxation on Tangible Personal Property and Machinery and Tools, as defined by Chapter 35 of §58.1 of the Code of Virginia, 1950, as amended, be fixed at Two Dollars and No Cents (\$2.00) on each one hundred dollars (\$100) assessed valuation for the year 2005; real estate taxes to be collectible one half on or before December 5, 2004 and one half on or before June 5, 2005. It is expressly provided that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in §58.1-3504 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which applies to the real estate for which the City furnished police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Sections 58.1-3606 through 58.1-3608 of the Code of Virginia. Pursuant to Section 58.1-3400 through 58.1-3407 Code of Virginia, as amended, rate of service charge shall be Twelve Cents (\$0.12) per annum per \$100.00 of assessed valuation, payable one half on or before December 5, 2004 and one half on or before June 5, 2005. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided in such section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.)

That the salaries, wages and allowances set out in detail in the budget statement and in the documents entitled "Positions Classification Listing Effective January 1, 2003", and "Salary Schedule as of July 1, 2004", and adopted by the City Council for the fiscal year beginning July 1, 2004, and ending June 30, 2005, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise directed by the City Manager and that the City Manager is authorized to make such re-arrangements of salaries in the several departments within and between funds herein named as may best meet the needs and interest of the City and to transfer parts of salaries

from one department to another when extra work is transferred from one department to another. The City Manager is also authorized to transfer funds from reserve for contingencies to other expenditure line items, as he may deem necessary. Furthermore, any positions not specifically listed in the Budget document may not be filled without prior written approval of the City Manager.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall become effective July 1, 2004.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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CITY CLERK

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MAYOR

Council Member Peterson proposed removing \$500,000 from the budget, which had been included to widen Linda Lane between Route 33 and Country Club Road. He said, "We should wait to see if we are ending the fiscal year with as much surplus as we think we'll have before the City commits the money." The projected budget surplus should meet expectations. Council Member Peterson offered a motion to put the funds back into the reserve fund.

Council Member Frank questioned the priority of the project.

Public Works Director Baker commented that this project has been in the major street plan for several years. He said, "If we don't do it this year my budget request for next year is going to get larger. We need to get some of these projects out of the way."

Council Member Lantz commented that the City should leave the funding intact since traffic has increased in the area of Linda Lane and Country Club Road. He said, "I'm not a traffic engineer, but it appears to me that this is a project that's going to have to be done some time or another."

Following further comments and discussion Council Member Peterson withdrew his motion.

Council Member Peterson offered a motion to increase the City Attorney retainer by 3%. Council agreed to discuss this subject in a closed session. Council Member Peterson withdrew his motion.

Vice-Mayor Rogers offered a motion to adopt the FY 2004-2005 budget for a second reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson  
Council Member Frank  
Council Member Lantz

Vice-Mayor Rogers  
Mayor Fitzgerald

Absent – None

The next item of business was a request for City utilities for a proposed development consisting of 285 single-family residential lots located in Rockingham County behind the existing Westfield subdivision along West Market Street. Planning and Community Development Director Turner said that Planning Commission reviews requests in excess of 10 single-family houses. One of the applicants Tim Lacey is developing the subdivision off of West Market Street. This property will also be the subject of a rezoning request in Rockingham County. The Public Utilities Department has reviewed the application and granted conditional approval. In addition to utility comments, Planning Commission asked staff to look at the impact on the City in general. Previous discussions between staff and the applicants regarding primary access to the subdivision also centered on an entrance granted on Switchboard Road by VDOT; however, this is not within the City's scope of authority. Staff also had concerns with the amount of traffic projected to travel through the Westfield subdivision. Existing traffic will need to enter onto Westfield Court or Stonecrest Drive and then travel to Brickstone Court. Even if the development had an access on Switchboard Road, which staff hopes the applicant will get to provide more points of access, the map layout shows there is a short-cut or straight shot for people to get from Switchboard Road to Market Street instead of going to Switchboard Road to the signalized intersection of Route 33. Planning Commission asked staff to review the impact on City utilities and any increased demand on City infrastructure. Staff expressed several concerns including sewer line upgrades and traffic impact on West Market Street. Sewer line upgrades will be needed to facilitate not just this development, but also to accommodate all the other developments expected within the City. The projected cost to upgrade these lines is approximately \$44,100. It was noted that a subdivision of this size could generate 2,800 trips per day going in and out of the subdivision and staff expressed concern regarding the traffic impact. Staff previously discussed with the applicants that there would be ways that they could possibly re-arrange some of the traffic flow to discourage cut-through traffic. She said that Planning Commission has recommended approval with the provision that an agreement should be reached between the developers and the City to ensure that any incremental infrastructure costs incurred as a result of supplying water and sewer to this development would be funded by the developer.

The following discussion by Council Members included: Were existing homeowners in the Westfield Subdivision notified about this development in Rockingham County? whether a needed connection would be developed to Switchboard Road; some streets in the area were not built to City standard; Shenstone Drive was built at a collector standard for a City subdivision; and VDOT's concern with sight distance on Switchboard Road.

Public Works Director Baker said that Mrs. Turner had stated the transportation issues very clearly. VDOT has not approved a connection onto Switchboard Road, but it is being discussed. When the original subdivision was built in the City, staff worked with the developer to build the roadway so that it could be extended. The issue is not the structure of the road holding the weight of traffic, but the volume of cars, turn movements, signals, and turn lanes. Mr. Baker said a traffic study might not be necessary if the City was assured that an additional

way in and out of the proposed subdivision via Switchboard Road was encouraged. If this proposal doesn't occur, he encouraged Council to conduct a traffic analysis study on West Market Street.

Public Utilities Director Collins said he wanted to protect the level of service for current City customers. The City's consulting engineer and developer conducted a detailed study of the water system. This project creates a potential of \$575,000 in availability fees, creates \$144,000 in potential income per year at double the current rate structure, and has no impact on the City's infrastructure in terms of piping distribution. It will utilize less than 1% of the capacity of the expanded Water Treatment Plant. He strongly encouraged Council to approve providing water and sewer to the subdivision.

Tim Lacey, a partner in the Milstead/Lacey partnership, said that West Market Street is the most overbuilt and under utilized street in the City. He also said that currently Westfield Subdivision has four proposed entrances.

Council Member Peterson suggested that the developer pay the \$44,100 sewer upgrade cost over a four-year period at \$11,025 per year.

Council Member Frank expressed concern about the increased traffic in the current neighborhood because of this development.

Following further discussion and comments, Vice-Mayor Rogers offered a motion to approve Planning Commission recommendation. The motion also included that the \$44,100 sewer upgrade cost should be spread over a four-year period at \$11,025 per year. The recorded roll call vote was taken as follows:

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

No - Council Member Frank

Absent – None

The next item of business was considering adoption of "Procedures for Public-Private Infrastructure Act." City Manager Baker said that the state has adopted the Public Private Partnership Act allowing private firms to submit proposals for public projects or public entities involvement. The City adoption of these procedures allows the Administrative Board consisting of the County Administrator and City Manager to receive both solicited and unsolicited proposals from the private sector for certain project components of the radio project.

Council Member Peterson said the proposal defines the make-up of the Rockingham/Harrisonburg ECC Administrative Board. However, it does not mention that after

all the negotiations are completed for the public/private agreement, it will return to the Council and Board of Supervisors for final approval.

City Manager Baker clarified that elected officials will grant final approval.

Council Member Peterson offered a motion to approve adoption of Procedures for Private-Public Infrastructure Act. The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said that these funds were received from a DMV grant to be used for transportation safety. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$1,500.00 chge. to: 1000-33538 Transportation Safety Grant

\$1,500.00 approp. to: 1000-410241-45675 Transportation Safety

The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Parks and Recreation Department. He said that funds are reimbursing the Parks and Recreation budget for the purchase of 95 trees planted on park property. The purchase of these trees was made possible by a donation from Greener Harrisonburg. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$5,210.00 chge. to: 1000-31809 General Donations

\$5,210.00 approp. to: 1000-710271-48280

The recorded roll call vote was taken as follows:

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

Absent – None

Assistant City Manager Hodgen introduced Kim Alexander, Harrisonburg Block Grant Coordinator.

At 9:00 p.m., Council Member Peterson offered a motion that Council enter a closed session for the discussion of personnel matters. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The recorded roll call vote was taken as follows:

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

Absent – None

At 9:20 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 9:21 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR



## REGULAR MEETING

MAY 11, 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; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Captain Claytor. Absent: Council Member Hugh J. Lantz and Chief of Police Donald Harper.

Council Member Frank gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Bucky Berry a resident of Harrisonburg expressed his thanks to Council Members Frank and Peterson, and Mayor Fitzgerald for their service to the City during the last four years.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a Supplemental Appropriation for the Parks and Recreation Department and Public Works Department. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

Senior Planner Markel introduced a request by Gary Green to rezone 4.28 acres of land from R-2, Residential District to R-3, Multiple Dwelling Residential District. He said the property is located at 1052-1080 Old Furnace Road. The applicant has requested that his property, Eastbrook Manor Apartments, be rezoned from the current R-2 to R-3 to bring the property into conformance. He reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as High-Density Residential, a designation that is most closely affiliated with the R-3 zoning district. The R-3 zoning allows additional uses for the property including professional offices as a by-right use. A few issues looked at by staff was additional traffic in the area, but it was determined that the increased traffic generated from any use of this property would not be significant enough to warrant any special measures be taken beyond what is in place. One interest highlighted by staff included making sure a future connection to East Washington Street could be maintained should the City ever develop East Washington Street past Vine Street. He said that Planning Commission has recommended approval of the rezoning request.

At 7:36 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record Monday, April 26, and Monday, May 3, 2004.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, May 11, 2004, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **REZONING – EASTBROOK MANOR APPARTMENTS**

**Public hearing to consider a request by Gary Green to rezone 4.28 acres of land from R-2, Residential District to R-3, Multiple Dwelling Residential District. The property is located at 1052-1080 Old Furnace Road and can be found on tax map 32-E-6.**

**The Comprehensive Plan designates this area as High-Density Residential. This designation states that these areas are intended for high-density development, mostly apartment buildings with densities ranging from 12 to 15 dwelling units per acre.**

**The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft./unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; 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 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 7:37 p.m., and the regular session reconvened. Vice-Mayor Rogers offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson  
Council Member Frank

Vice-Mayor Rogers  
Mayor Fitzgerald

Absent – Council Member Lantz

Senior Planner Markel introduced a request by Dan Newberry and Graddison, LLC to close 10,206 square feet of right-of-way at the end of Betts Court. He said Betts Court is located between Evelyn Byrd Avenue & Chestnut Ridge Drive off of East Market Street. He reviewed the surrounding uses in the area. The applicant has requested to close 10,206 square feet of Betts Court to allow for reconfiguration of his lot. These lots are also impacted by steeply sloping topography on the western property boundary. The shortening of Betts Court would allow more of the level areas of the property to be used for development. The applicant owns the property on both sides of the portion of Betts Court and would have sole right to purchase the land from the City. The applicant wants to construct a new permanent cul-de-sac partially on his property, closer to East Market Street and then dedicate it to the City. The plan for the relocated cul-de-sac creates a small, unusable triangle shaped area within the City right-of-way, which the applicant has agreed to maintain. He said that Planning Commission has recommended approval of closing this right-of-way.

At 7:41 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record Monday, April 26, and Monday, May 3, 2004.

**NOTICE OF INTENTION TO CLOSE  
10,206 SQUARE FEET OF THE  
EXISTING RIGHT-OF-WAY OF BETTS COURT  
IN THE CITY OF HARRISONBURG  
City Council Chambers  
Tuesday, May 11, 2004  
7:30 p.m.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, May 11, 2004, 7:30 p.m. at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider a request to vacate 10,206 square feet of the existing right-of-way of Betts Court, South of East Market Street between Evelyn Byrd Avenue and Chestnut Ridge Drive.**

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

**All persons interested will have the opportunity to express their views at the public hearing.**

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

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

Mayor Fitzgerald called on anyone desiring to speak for or against closing this right-of-way. Ray Nicely, Director of Planning with Valley Engineering, said that the applicant plans to construct office buildings on both lots to achieve a more usable area because of the unique topography. By moving the cul-de-sac, these lots will become more productive and useful. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Peterson said that a letter was received from the owners of Harrisonburg Nissan indicating they didn't have an opportunity to attend the meeting and requested that a decision regarding this request be postponed. Council Member Peterson offered a motion to table this request until the May 25<sup>th</sup> Council meeting. The motion was approved with a unanimous vote of Council Members present.

Senior Planner Markel introduced a request by Rodney and Sadie Miller to subdivide a 1.4 acre parcel into two lots. He said that the applicants are requesting that the lot located at 774 Foley Road be subdivided to allow for a separate buildable lot to front on Foley Road. This request requires a variance to Section 10-2-42(d) of the Subdivision Ordinance that requires all lots to front on a public street. The creation of this second lot would remove the street frontage from the existing house located at the rear of this property. He reviewed the surrounding uses in the area. The existing house is located up the hill from Folly Road, with a large undeveloped front yard. The unique topography of the area and land locked nature of this property would prevent any future public streets from providing access to the existing house. The existing property is zoned R-3, which would allow the applicant to construct additional dwellings on the property, but individual sales would not be possible because the multiple dwellings would all share the same parcel of ground. A few issues regarding water and sewer and Harrisonburg Electric Commission bringing power to the lot will have to be worked out once the request gets to a developmental stage of the property. As with any request for a lot to not front on a public street, staff withholds approval of a final plat until an access and maintenance agreement is provided showing how ingress and egress would be provided for the real lot. He said that Planning Commission recommended approval of the request. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

The next item of discussion was a request by the Harrisonburg Redevelopment and Housing Authority. Michael Wong, Director of HRHA, presented a resolution from the HRHA to purchase property located at 620 Broad Street. He said purchasing this property is part of a master plan initiated in the summer of 2003. Mr. Wong reviewed significant issues for public housing identified by the Board of Commissioners. He said that the HRHA hopes to renovate

all 100 of its housing units. The goal is to move public housing residents into temporary houses purchased by the authority. HRHA has decided to purchase the property located at 620 Broad Street and intends to modify the property from a single-family home into a multiple family residence.

Harrisonburg Redevelopment & Housing Authority Director Michael Wong presented the following resolution for Council's consideration of approval:

**RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY  
BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has decided to purchase certain real property improved by a single family dwelling from Kenneth M. and Lois A. Handrich, husband and wife, which property is located at 620 Broad Street in the City of Harrisonburg, and which property is more particularly described in the attached City of Harrisonburg Property Record Card (hereinafter "the Property"); and,**

**WHEREAS, the Authority intends to modify the Property from a single family home into a multiple family residence, and to rent the Property pursuant to its mission of providing safe and sanitary dwellings to persons of low income, as set forth in the Housing Authorities Law, Chapter 1, Title 36 of the Virginia Code; and,**

**WHEREAS, Code of Virginia Section 36-19.2 requires that the Authority obtain the approval of the City of Harrisonburg (the "City") prior to purchasing the Property as it is the current intention of the Authority to use such Property for housing purposes; and,**

**WHEREAS, Kenneth M. Handrich, a Commissioner of the Authority, abstained from voting or participating in any way in his capacity as Commissioner with respect to the Authority's decision to purchase the Property, as required by Code of Virginia Section 2.2-3110, and will disclose such ownership of the Property and its sale to the Authority as required by Code of Virginia Section 2.2-3115;**

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

- 1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.**
- 2. The City authorizes and approves the purchase of the Property by the Authority and the Authority's utilization of such Property as a housing project or for such other uses as the Authority shall deem appropriate and which is permitted by law.**
- 3. This authorization and approval applies only to the Authority's obligation to obtain City approval pursuant to Code of Virginia Section 36-19.2 and does not constitute a**

waiver of any City ordinance with respect to the Property, including but not limited to compliance with City zoning and building codes.

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: May 11, 2004

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on May 11, 2004:

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

Dated: May 11, 2004

(SEAL)

\_\_\_\_\_  
Mayor, City of Harrisonburg, Virginia

ATTEST:

\_\_\_\_\_  
Clerk, City Council of the City of  
Harrisonburg, Virginia

Following further discussion and comments, Vice-Mayor Rogers offered a motion to approve this resolution. The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

Council Member Peterson offered a motion that Council appoint Mike Collins, to the Environmental Quality Committee, Lester Seal, to the Finance Committee, Roger Baker and Tom Miller, to the General Laws Committee, Kurt Hodgen, to the Human Development & Education Committee, and Reggie Smith, to the Transportation Committee on the Virginia Municipal League policy committees. The motion was approved with a unanimous vote of Council Members present.

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

Member City Council

Charles R. Chenault	1,903
George W. Pace	1,636
Dorn W. Peterson	1,312
Alan P. Finks	932
Joseph Gus Fitzgerald	1,152
Rodney L. Eagle	1,467
Carolyn W. Frank	1,371
Marty M. Solomon	164
W.P. "Bill" Whalen, Jr.	233

Member School Board

Steve D. Ray	1,158
Michael D. Walsh	2,161
Kerri M. Wilson	1,957

Council accepted the election results and asked the City Clerk to enter the names into the official minutes.

City Manager Baker presented a request to transfer funds for the Parks and Recreation Department. He said that funds were budgeted in the General Fund for lights for the basketball court at Ralph Sampson Park. However, since the renovation of the Simms Building the basketball court was moved to another location. These funds will be used to install lights at the new outside basketball court. Council Member Peterson offered a motion to approve this request, and that:

\$40,000.00 chge. to: 1310-34210 Transfer from General Fund

\$40,000.00 approp. to: 1310-910141-48691 Simms Building Renovation Project

\$40,000.00 chge. to: 1000-710271-48181 Building and grounds

\$40,000.00 approp. to: 1000-990111-49216 Transfer to capital projects

The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Parks and Recreation Department. He said these funds were a reimbursement from the Virginia Department of Military Affairs for costs associated with the heating system at the National Guard Armory. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$10,572.28 chge. to: 1000-32539 VA Military Affairs

\$10,572.20 approp. to: 1000-710571-43330 National Guard Armory Maint. & Repair

The recorded roll call vote was taken as follows:

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

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 homeland security grant to be used for the Fire Department. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$ 12,544 chge. to: 1000-31010 Amount from fund balance

133,627 chge. to: 1000-33534 Home Land Security funds

45,514 chge. to: 1000-33534 Home Land Security funds

\$191,685 approp. to: 1000-340532-48213 Equipment

The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

Council Member Frank offered a motion to appoint Dr. Thomas R. Syre and Dr. Laura H. Zarrugh to a second term on the Community Services (Chapter 10) Board to expire on July 1, 2007. The motion was approved with a unanimous vote of Council Members present.

At 8:15 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the City. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.5 of the Code of Virginia (1950), as amended (the Code). The recorded roll call vote was taken as follows:

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

Absent – Council Member Lantz

At 8:45 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 Members present: 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.

At 8:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR



## REGULAR MEETING

MAY 25, 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; Acting City Clerk Jenny Brockwell, and Police Captain Claytor. Absent: City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a Supplemental Appropriation for the Parks and Recreation Department and Fire Department. The recorded roll call vote was taken as follows:

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

Absent – None

Mayor Fitzgerald announced that a request to close a right-of-way at the end of Betts Court had been tabled at the May 11<sup>th</sup> Council meeting because of an objection from a surrounding property owner. The objection has been resolved. Council Member Frank offered a motion to approve a request to close a right-of-way at the end of Betts Court. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by Roger Simmons to subdivide a 3.71 acre parcel zoned B-2, General Business District and R-1, Single Family Residential District into two separate parcels. The property is located at 1160 West Market Street. The applicants have requested to subdivide their 3.71 acre lot into two separate

parcels. The proposed rear parcel, consisting of 2.55 acres would not front onto a public street, requiring a variance to the requirement that all lots resulting from a subdivision front on a public street. She reviewed the surrounding uses in the area. The applicants are proposing to have two access easements from the site that would access the rear portion of the property. She said that the applicants have indicated the reason for subdividing this parcel is to reduce the acreage for the front parcel for business financing reasons. She also said that the rear portion of the original lot is unique because it has a split zoning classification. Because of the split zoning, almost any future development on the proposed new real lot, will require the applicants to appear again before Planning Commission to request rezoning the entire parcel. Reconfiguration of the stormwater management plan could potentially open up more of this rear area for development. She said that Planning Commission has recommended approval of the request. Following further discussion and comments, Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by Doug Kline to subdivide a parcel with a variance to the Subdivision Ordinance requiring all lots to front on a public street. She said that the property is located at 102-104 Maryland Avenue. The applicant requests that his lot located along Maryland Avenue be subdivided to allow for the creation of a second parcel for the purpose of building a two unit dwelling. The second parcel would not have street frontage. This property is a suitable candidate for this variance because of the unique nature of the lot and the geographic and development challenges of the surrounding area makes any future road connection virtually impossible. The major concern with further development on this property is the impact of Blacks Run and flooding potential. Any new structure built on this site must be at least four feet higher than the current ground level. Currently, the City is in the process of re-mapping the floodway and floodplain zones. She said that Planning Commission recommended approval of the request. Following further discussion and comments, Council Member Lantz offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was a request from Diversified Properties for City public utilities to service 25 single-family home lots located in Rockingham County off of Pear Street. Mrs. Turner said that this subdivision has not been approved by the City or County, but has a conceptual plan showing how the applicant intends to lay out the lots. She said that the property is also a subject of a rezoning request in the County. The applicant request needs approval from the City to allow the request to continue through the County rezoning process. She said that approximately 15 lots are located in the City and approximately 25 lots are located in the County. Mike Collins, Director of Public Utilities, has reviewed the plan and recommended approving the request. She said that Planning Commission has recommended approval of the request. Following further discussion and comments, Vice-Mayor Rogers offered a motion to approve Planning Commission recommendation. The recorded roll call vote was taken as follows:

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

No - Council Member Frank

Absent – None

City Attorney Miller presented for Council’s consideration amending and re-enacting Section 13-1-51(c), 13-1-52, 13-1-53, 13-1-55, 13-1-67, 13-1-7, 13-1-72, 13-1-73, and 13-1-74 of the Harrisonburg City Code. He said these are various ordinances changes on parking and traffic regarding updating fines for various parking violations. He said that the Police Department recommended changing Section 13-1-7 to read that officers of a fire department and members of a rescue squad may direct or assist police in directing traffic at or in the near vicinity of a fire, vehicle accident, natural disaster or similar situations, as deemed necessary for public safety. Council Member Peterson said that while he was reviewing the City Code, he noticed an inconsistency in numbers in Section 13-1-25 and suggested that it be reviewed by the City Attorney. Council Member Lantz offered a motion to approve amending these ordinances including the changes in Section 13-1-7 for a first reading. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of discussion was on the impact of additional state revenues and scheduling a joint City Council/School Board meeting date. City Manager Baker said the City and School Board should receive approximately \$1.1 or \$1.2 million in additional funding from

the state. He also said that City Council agreed to add an additional \$352,000 to the school budget. This amount is being subtracted from additional funding received from the state leaving a balance of \$974,000. City Council suggested having a joint meeting with the School Board on June 1<sup>st</sup> at 6:00 p.m.

Council Member Peterson proposed using some of the additional state revenue and increasing City employees' salaries from 3% to 4%. Council directed City Manager Baker to place this item on the June 8<sup>th</sup> Council agenda and provide an estimate of the cost.

City Manager Baker presented a request to transfer funds within the City's current budget and set up a new capital project. He said that these funds will be used for the repair and renovation on the foundation of the Municipal Building. Council Member Peterson offered a motion to approve this request, and that:

\$25,000 chge. to: 1310-910141-48606 Public Safety Building

\$25,000 approp. to: 1310-910141-48698 Repair & Renovation-Municipal Building

The recorded roll call vote was taken as follows:

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

Absent – None

City School Business and Finance Director Triplett presented a request to transfer funds for the School Board. He explained that at the conclusion of some school years, it is necessary to make funds available where they are needed. These funds will be used in transportation and food services. No additional local dollars are required from the City. Council Member Frank offered a motion to approve this request, and that:

\$250,000 chge. to: 1111-111114-40680 Technology

\$ 50,000 approp. to: 1111-111114-40630 Transportation

200,000 approp. to: 1111-111114-40650 Food Service

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Rogers  
Council Member Peterson  
Council Member Frank  
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 will be transferred from the School Fund to the City's General Fund, and an in kind transfer from the General fund to the School Fund. The net effect of these transfers will be zero increase in the City's budget, but will satisfy legal requirements from the Department of Education. No additional local dollars are required from the City. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$354,356.50 chge. to: 1111-34210 Transfer from General Fund

\$354,356.50 approp. to: 1111-111114-40673 Transfer to General Fund

The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from recovered money received from donations and costs recovered for providing various services throughout the year. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$15,606.68 chge. to: 1000-31809 Donations  
8,555.94 chge. to: 1000-31914 Recovered Costs  
4,129.54 chge. to: 1000-32502 Office of Emergency Service  
6,897.64 chge. to: 1000-32510 Hazardous Materials  
1,216.02 chge. to: 1000-32512 Fire Programs Fund  
7,244.23 chge. to: 1000-33537 Disaster Plan & Operations

\$37,484.02 approp. to: 1000-320232-48203 Fire Programs Fund

6,166.03 approp. to: 1000-320232-48113 Equipment

The recorded roll call vote was taken as follows:

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

Mayor Fitzgerald

Absent – None

At 8:15 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

JUNE 8, 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.

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

Mayor Fitzgerald requested the unanimous consent of Council to remove Item #5 from the consent agenda to allow City Attorney Miller to provide more information concerning several of the ordinances.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a Supplemental Appropriation for the School Board and Fire Department. The motion also included the second reading distributing funds from the Dog and Cat Sterilization Fund and amending and re-enacting Section 13-1-7. 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 Attorney Miller said that language in 13-1-53 added pedestrian crossing rather than street crossing and added sub-paragraph b. A minor change in Section 13-1-72 includes “inspection sticker” added to “failing to display current city decal” of the Harrisonburg City Code. The remaining Sections remained unchanged and include 13-1-51c, 13-1-52, 13-1-55, 13-1-67, 13-1-73 and 13-1-74 of the Harrisonburg City Code. Council Member Peterson offered a motion to approve these ordinances with the proposed amendments to 13-1-53 and 13-1-72 of the Harrisonburg City Code. 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

Senior Planner Markel introduced a request by Raymond Knicely to rezone a 9,267 square foot parcel from M-1, General Industrial District to R-3, Multiple Dwelling Residential District. He said the property is located at 139 West Water Street. The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed-use areas. Mr. Markel reviewed the surrounding uses in the area. The applicant has requested the rezoning to allow for his professional office to be located in the existing structure. This property is one of several properties located along Water Street that are zoned industrial, but have always been residential in use. This rezoning would bring this property into conformance with the City's Comprehensive Plan, which calls for this area to be used as a mixed use development. To reduce any potentially unwanted uses associated with a straight R-3 zoning designation, the applicant has proffered that the property will only be used for the following: 1) All uses permitted in the R-1, Single Family Residential District. 2) Professional and medical offices as allowed under Section 10-3-45(5) of the Zoning Ordinance. These proffers substantially limit the potential uses of this property and remove any concern for uses of the site as a rental property for four unrelated individuals. This property is accessed from a small entrance off of Water Street and across the lot to the rear of the subject property. This site will require five to six off street parking spaces. There is ample room for these vehicles in the rear of this property. He said that Planning Commission has recommended approval of the rezoning request.

At 7:39 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record Monday, May 24, and Tuesday, June 1, 2004.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, June 8, 2004, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **Rezoning – 139 West Water Street**

**Public hearing to consider a request by Raymond Knicely with representative Stephan Hess to rezone the 9,267 sq. ft. parcel located at 139 West Water Street from M-1, General Industrial District to R-3, Multiple Dwelling Residential District. The property can be found on tax map 25-C-8.**

**The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both exiting and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.**

**The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not**

properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The Zoning Ordinance 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 Fitzgerald called on anyone desiring to speak for or against this rezoning request. Stephan Hess said that he was the contract purchaser and was in favor of the request. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Vice-Mayor Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

Senior Planner Markel introduced a request to expand the Virginia Mennonite Retirement Center's institutional overlay district onto adjoining properties. He said that VMRC first submitted a master plan as part of consideration for an institutional overlay in January of 1997. The plan includes adding 1.22 acres into the master plan development. The property includes two existing duplexes and one single family home. VMRC would like to build an additional third duplex on the corner of Park Road and Shank Drive. He reviewed the surrounding uses in the area. Park Village, Inc. a subsidiary of VMRC would like to modify their previously approved master plan to include four lots across Park Road from the main campus into their institutional overlay. These lots currently border the institutional overlay district, but are zoned as straight R-2 property. Inclusion into the overlay would allow a yet to be built duplex at the corner of Shank Drive and Park Road to encroach 15 feet into the rear yard setback. The structure will still sit 30 feet back from both property lines fronting Park Road and Shank Drive. It will also meet the side yard setback of 10 feet. Mr. Markel said that one of the good things

about this reduced setback is that it affects only property owned by VMRC. He said that Planning Commission has recommended approval of the rezoning request.

At 7:43 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News-Record Monday, May 24, and Tuesday, June 1, 2004.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, June 8, 2004, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**Rezoning/Master Plan Change – Park Village, Inc.**

**Public hearing to consider a request to expand the Virginia Mennonite Retirement Center's I-1, Institutional overlay district onto adjoining properties located at 1551-1581 Park Road zoned R-2, Residential District and accept a modified Master Plan to include the addition of one, two-unit duplex to be located at the corner of Park Road and Shank Drive. These properties can be found on tax map 52-G-6-9.**

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

**The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.**

**Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at 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.

Marin Nisly said that two couples have made a sizeable deposit for this duplex with the hope that it will be built. There being no others desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Council Member Lantz 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

The next item of discussion was a request by the Harrisonburg Redevelopment and Housing Authority. Michael Wong, Director of HRHA, presented a resolution from the HRHA to purchase property on Commerce Drive. The Boys & Girls Club, Op Shop and Ken Kline Foundation currently own the property. He said that the HRHA hopes to develop the property for public housing needs. Purchase of this property is contingent upon zoning approval and going through the normal Planning Commission process. He also said that the authority needed a decision from City Council to avoid starting the process for the development and paying the \$325.00 rezoning application fee before receiving Council's approval to proceed.

The following discussion by Council Members included: The Harrisonburg Redevelopment & Housing Authority needs final approval from City Council to purchase this property; why was HRHA seeking approval at this time? Concern that precedential advice was being given for future Council Members; referring the request to Planning Commission for a recommendation; providing a more detailed plan; and how existing properties would be impacted.

Harrisonburg Redevelopment & Housing Authority for Council's consideration of approval:

**RESOLUTION AUTHORIZING THE PURCHASE OF  
THREE PARCELS OF REAL PROPERTY BY THE HARRISONBURG  
REDEVELOPMENT AND HOUSING AUTHORITY**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has decided to purchase three parcels of real property from the Boys & Girls Club of Harrisonburg and Rockingham County, the Association For Retarded Citizens-Harrisonburg/Rockingham, Inc. and J. Kenneth Kline, Trustee for the Kline Virginia Land Trust, which properties are located on Commerce Drive in the City of Harrisonburg, Virginia, and which properties are more particularly described in the attached deeds to the current owners of such properties (hereinafter the "Properties"); and,**

**WHEREAS, the Authority intends to utilize the Properties for housing purposes pursuant to its mission of providing safe and sanitary dwellings to persons of low income, as set forth in the Housing Authorities Law, Chapter 1, Title 36 of the Virginia Code; and,**

**WHEREAS, Code of Virginia Section 36-19.2 requires that the Authority obtain the approval of the City of Harrisonburg (the "City") prior to purchasing the Properties as it is the current intention of the Authority to use such Properties for housing purposes; and,**

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

- 1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.**
- 2. The City authorizes and approves the purchase of the Properties by the Authority and the Authority's utilization of such Properties for housing projects or for such other uses as the Authority shall deem appropriate and which are permitted by law.**
- 3. This authorization and approval applies only to the Authority's obligation to obtain City approval pursuant to Code of Virginia Section 36-19.2 and does not constitute a waiver of any City ordinance with respect to the Properties, including but not limited to compliance with City zoning and building codes.**

**This resolution shall take effect immediately upon its adoption.**

**READ AND ADOPTED: June 8, 2004**

**CERTIFICATE**

**The following is a record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon a reading of a resolution titled "RESOLUTION AUTHORIZING THE PURCHASE OF THREE PARCELS OF REAL PROPERTY BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on June 8, 2004:**

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

**Dated: June 8, 2004**

**(SEAL)**

\_\_\_\_\_  
**Mayor, City of Harrisonburg, Virginia**

**ATTEST:**

\_\_\_\_\_  
**Clerk, City Council of the City of  
Harrisonburg, Virginia**

City Attorney Miller questioned whether the authority was anticipating closing on the purchase or looking for authorization to sign a purchase agreement that had a contingency in it. Mr. Wong answered, “To sign a purchase agreement containing a contingency in it upon a zoning approval”. City Attorney Miller advised that Council could agree upon the purchase agreement allowing it to proceed through the rezoning process. Mr. Miller also said that the resolution does say that the City authorizes and approves the purchase of the properties by the Authority. Mr. Miller said that the statement in paragraph two “should be clarified to say authorizes the City to enter into a purchase agreement with the contingency” previously discussed. Council Member Peterson offered a motion to adopt this resolution with the amendment to paragraph two reading, “The City authorizes and approves the Authority to enter into a purchase agreement for these properties. Such purchase agreement is contingent upon an appropriate change in zoning and upon final approval by the City Council.” The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson  
Council Member Lantz  
Mayor Fitzgerald

Abstained - Vice-Mayor Rogers  
Council Member Frank

Absent – None

Council agreed to schedule a public hearing on June 22, 2004 for the Solid Waste Management Plan.

The next item of business was a presentation of a draft Community Development Block Grant Consolidated Plan. Assistant City Manager Hodgen said that staff has completed a draft Consolidated Plan and Executive Summary of the plan. The plan consists of a lot of statistical information gathered from census sources, interviews with organizations and agencies, and other plans and studies available. The Executive Summary highlights City staff's recommendations of the program priorities for this year. In addition, the summary contains the recommended funding for applications submitted to the City for funding this year. Two required public hearings have been held and during the next 30 days the City could possibly receive letters, e-mails, faxes or other communication relative to the plan. At the end of the 30-day period the plan will be presented to City Council for final approval and then submission to HUD. Council Members questioned the administration costs in the plan. Mr. Hodgen reviewed expenses used to establish a CDBG office.

The next item of discussion was adjusting City employee's salaries. City Manager Baker said adjusting City employee salaries an additional one percent (1%) could increase the FY 2004-05 total budget by \$224,774. Council Member Peterson offered a motion to increase City employee's salary by 4% to be distributed as a 3% salary increase across the board and an additional 1% as a performance/merit increase effective July 1, 2004. 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 Attorney Miller presented for Council's consideration an ordinance enacting Section 11-7-11 of the Harrisonburg City Code. Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance, said that the goal of this ordinance would be to provide a process and criteria for the display of banners primarily from light poles. In many communities banners on display provide a sense of identify, information and provides a more attractive streetscape. Mr. Bumbaugh reviewed three different type of banners that could be used in the downtown area. He reviewed several minor changes to the proposed ordinance and recommended these changes be made before final adoption at the June 22, 2004 meeting. City Attorney Miller said that the Director of Community Development should retain a tremendous amount of control over these banners because of problems the City has experienced in the past. Following further discussion and comments, Council Member Peterson offered a motion to approve enacting Section 11-7-11 with the proposed changes for a first reading. 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 Attorney Miller presented for Council’s consideration an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Peterson offered a motion to approve this ordinance for a first reading. 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 for Council’s consideration an ordinance amending and re-enacting Section 5-2-35 of the Harrisonburg City Code. He said that there is a request for a wording change in this ordinance. He said while he was reviewing the State Code he noticed two sections in the code, which caused some concern in the wording in relation to the authorities granted to local fire marshals. There is a question concerning the authority to issue summons, serve warrants and make arrests. Following further discussion and comments, Council Member Peterson offered a motion to approve this ordinance for a first reading. 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

Public Utilities Director Collins presented for Council’s consideration an ordinance amending and re-enacting Section 7-1-15 of the Harrisonburg City Code. He said this change allows better customer service regarding water deposits. Council Member Peterson offered a motion to approve this ordinance for a first reading. 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

Public Utilities Director Collins presented for Council’s consideration an ordinance enacting Section 7-1-21 of the Harrisonburg City Code. He said this change is an administrative practice that has been used for a period of time, but doesn’t have a supporting ordinance. This change will allow credits and debits to be transferred from multi-accounts. Council Member Peterson offered a motion to approve this ordinance for a first reading. 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

Public Utilities Director Collins presented for Council’s consideration an ordinance amending and re-enacting Section 7-4-22 of the Harrisonburg City Code. He said proposed wording is being recommended to make the language clearer in this ordinance. Council Member Peterson offered a motion to approve this ordinance for a first reading. 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

Public Utilities Director Collins presented for Council’s consideration an ordinance amending and re-enacting Section 7-4-1 of the Harrisonburg City Code. He said changes to this section includes general changes and water rate schedule changes. Council Member Peterson offered a motion to approve this ordinance for a first reading. 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 Attorney Miller presented for Council's consideration an ordinance amending and re-enacting Section 13-1-25 of the Harrisonburg City Code. He said this change deletes a phrase referring to a conviction of any one (1) of such offenses within such five (5) year period and replacing it with convicted of any one (1) of such offenses within such ten (10) year period. Council Member Peterson offered a motion to approve this ordinance for a first reading. 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

Parks and Recreation Director Foerster presented a request for a supplemental appropriation for the City's Golf Course Fund. He that the golf course is currently operating at a deficit for the year and approval of these funds will balance the budget. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$290,000.00 chge. to: 2016-31711 18 Hold Weekday Rounds  
80,000.00 chge. to: 2016-31716 Twilight Rounds  
100,000.00 chge. to: 2016-31723 18 Hole Cart Fee

\$470,000.00 approp. to: 2016-34210 Transfer from General Fund

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 Shifflett presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from a FEMA grant to pay for fire equipment items purchased by the department. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$25,927.00 chge. to: 1000-22536 FEMA Assistance to Firefighters Grant  
294.90 chge. to: 1000-31914 Recovered Cost

\$25,927.00 approp. to: 1000-320232-48113 Equipment  
294.90 approp. to: 1000-320232-41010 Salaries

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 thanked Council for increasing the salary adjustments for City employees from 3% to 4%. He said that the additional money will be appreciated by all employees, but most importantly what Council has done is send a message to the rank and file City employee that a City employee has equal value regardless of whether you work for City Council or whether you work for the School Board. It is very important in the minds of our employees.

City Manager Baker said the President of the United States has declared Friday, June 11<sup>th</sup> as a “National Day of Mourning” for former President Ronald Regan. The Governor of Virginia has declared the day as a “Day for Remembrance”. There has been some confusion regarding whether the Governor has declared Friday, June 11th as a state holiday and if all state offices will close. City Manager Baker recommended that if the Governor declared the day as a state holiday that Harrisonburg also close all City offices. The consensus of Council was to follow the Governor’s lead.

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

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CITY CLERK

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MAYOR



## REGULAR MEETING

JUNE 22, 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.

Bob Steere, a resident of the City, requested that Mayor Fitzgerald proclaim the week of June 20-27 as "Massanutten/Valley Amateur Radio Week". He also invited everyone to the field day emergency exercises being held on Saturday, June 26th and Sunday, June 27th.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes as amended and the second reading of a Supplemental Appropriation for the Fire Department and the City's Golf Course Fund. The motion also included the second reading enacting Section 11-7-11 and amending and re-enacting Section 7-1-15, 7-1-21, 7-4-1, 13-1-3, 13-1-25, 5-2-35 and 7-4-22 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

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

Absent – None

Public Works Director Baker presented a brief overview of the proposed Solid Waste Management Plan. He said that the Department of Environmental Quality requires that the City update the plan every five years. He reviewed the basic plan, which sets forth solid waste management goals and objectives, and describes the planning for the future to protect the health, safety and welfare of the citizens of Harrisonburg. The plan includes all aspects of solid waste including recycling, landfill and collection, and resource recovery at the steam plant. Mr. Baker recognized Meki Shifflett, Recycling Supervisor, for her remarkable job in putting the program together and saving the City the expense of hiring an outside consultant.

At 7:40 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Friday, June 11, 2004.

**NOTICE OF PUBLIC HEARING**  
**City Council Chambers**  
**Tuesday, June 22, 2004**  
**7:30 p.m.**

The Harrisonburg City Council will hold a public hearing on Tuesday, June 22, 2004, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to receive public comments on the following:

A Solid Waste Management Plan prepared for and submitted to the Virginia Department of Environmental Quality. A copy of said plan is available for public review at the office of the City Manager, 345 South Main Street, Harrisonburg, VA. Information is also available at the Public Works office located at 320 East Mosby Road, Harrisonburg, VA – Telephone 540-434-5928.

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

Mayor Fitzgerald called on anyone desiring to speak for or against this proposed Solid Waste Management Plan. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve this Solid Waste Management Plan as presented. The recorded roll call vote was taken as follows:

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

Absent – None

The next item was a request by the Harrisonburg Redevelopment & Housing Authority. Michael Wong, Director of HRHA, said that the authority intends to obtain a bridge loan for the Lucy F. Simms Project. It is anticipated that the City will be reimbursed for a portion of the cost of construction and renovation of the Simms Center. The authority hopes to obtain Historical Tax Credits. Mr. Wong reviewed how the funding would be utilized for the project.

At 7:47 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, June 9, and Wednesday, June 16, 2004.

## NOTICE OF PUBLIC HEARING

On Tuesday, June 22, 2004 the City Council of the City of Harrisonburg, Virginia, will conduct a public hearing in accordance with Section 15.2-2606 of the Code of Virginia regarding the proposed guarantee by the City to the Harrisonburg Redevelopment and Housing Authority of the repayment of certain loans totaling not more than \$3,000,000. The Authority intends to lend the Boys & Girls Club of Harrisonburg and Rockingham County up to \$1,700,000, the Association for Retarded Citizens-Harrisonburg/Rockingham, Inc. up to \$600,000 and the Virginia Historic and Housing Equity Fund of Virginia I.L.L.C. (the "Fund") or a limited partnership or company of which the Fund has a membership or ownership interest up to \$700,000 (collectively the "Borrowers"). The Authority will seek City approval at such meeting to form such a limited partnership or company in order to facilitate the further development of the Simms Community Center. It is proposed that the City guarantee the repayment of such loans to the Authority. The general purpose of the proposed guarantee is to provide funds to repay a portion of the indebtedness of the City of Harrisonburg which was incurred in order to finance certain construction, capital improvement and renovation costs undertaken for the benefit of the Simms Community Center facility currently owned by the City and located at 620 Simms Avenue, Harrisonburg, Virginia 22802, together with related expenses. The Borrowers have agreed to pay certain sums towards the construction and renovation of the Simms Community Center in exchange for certain agreements to be made with various parties regarding the use of the Center. The City previously advanced funds necessary to construct and renovate the Center, and the guarantee proposed to be provided by the City shall enable a portion of such City debt to be retired.

The public hearing, which may be continued or adjourned, will be conducted at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, Harrisonburg, Virginia 22801. Interested persons may appear at such time and place and present their views.

Mayor Fitzgerald called on anyone desiring to speak for or against the loan. There being no one desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened.

Harrisonburg Redevelopment and Housing Authority Director Michael Wong presented the following resolution for Council's consideration of approval:

### **RESOLUTION AUTHORIZING THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY TO OBTAIN FINANCING IN ORDER TO RETIRE A PORTION OF CITY DEBT AND OTHER MATTERS CONCERNING THE LUCY F. SIMMS CONTINUING EDUCATION CENTER**

WHEREAS, the City of Harrisonburg, Virginia (the "City"), in cooperation with the Harrisonburg Redevelopment and Housing Authority (the "Authority") has decided to assist in the construction and renovation of the Lucy F. Simms Continuing Education Center (the "Simms Center"); and,

WHEREAS, the Simms Center will be utilized as a community education center in order to promote life-long learning and to enhance the health, safety and welfare of the citizens of the Harrisonburg/Rockingham County community; and,

WHEREAS, on March 25, July 22, September 23, November 11 and November 25 of 2003 the City passed resolutions in support of the Simms Center, including agreeing to finance the entire cost of the Simms Center during construction and renovation; and,

WHEREAS, the funding for the Simms Center is still expected to come from the following sources:

1.	The Boys & Girls Club Capital Campaign	\$ 1,500,000
2.	The ARC/OP Shop of Harrisonburg/Rockingham County	500,000
3.	Historical Tax Credits	800,000
4.	City Contribution	<u>2,700,000</u>
	Total:	\$ 5,500,000

WHEREAS, it is anticipated that the City will be reimbursed for a portion of the cost of construction and renovation of the Simms Center from the funding sources described above, with the exclusion of the City Contribution; and,

WHEREAS, in order to reimburse the City, the Authority intends to obtain a bridge loan (the "Bridge Loan") from SunTrust Bank (the "Bank"), the proceeds of which will be lent to the Boys & Girls Club of Harrisonburg and Rockingham County, the Harrisonburg-Rockingham Association for Retarded Children, Inc., and Lucy F. Simms, L.P., a taxable limited partnership to be formed by the Authority that can use the Historical Tax Credits, (collectively the "Borrowers"); and,

WHEREAS, the Borrowers will utilize such funds in order to finance some or all of their contributions to the Simms Center, which contributions will be used to assist in the refunding of \$2,970,000 in City Notes that were issued in order to finance the construction and renovation of the Simms Center; and,

WHEREAS, as the proceeds of the Bridge Loan will be used to refund the City Notes, it has been requested that the City guarantee payment of the Bridge Loan by the Borrowers to the Authority; and,

WHEREAS, substantially final forms of the following documents have been presented at this meeting: (a) City Guaranty Agreement, (b) Authority Note to the Boys & Girls Club of Harrisonburg and Rockingham County, (c) Authority Note to the Harrisonburg-Rockingham Association for Retarded Children, Inc., and, (d) Authority Note to Lucy F. Simms, L.P.

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

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

2. The City authorizes the Authority to obtain the Bridge Loan in the maximum amount of \$2,700,000 from the Bank and to lend it to the Borrowers in the amounts set forth in paragraph 4. The maximum interest rate on the Bridge Loan will be 4.5% per annum.

3. The City authorizes the Authority to apply for and, if received, utilize an Economic Development and Growth Enhancement loan that would reduce the interest rate payable on the Bridge Loan.

4. The City's full faith and credit is irrevocably pledged to the guarantee of repayment of the Bridge Loan by the Borrowers to the Authority up to the following amounts:

A) The Boys & Girls Club of Harrisonburg and Rockingham County	\$ 1,500,000
B) The Harrisonburg-Rockingham Association for Retarded Children, Inc.	\$500,000
C) Limited Partnership	\$700,000
Total City Guarantee:	\$ 2,700,000

5. The City Manager and Mayor, either of whom may act, are hereby authorized and directed to execute the City Guaranty Agreement in favor of the Authority as described in this resolution, which shall be in substantially the form submitted to this meeting, with such changes as may be approved by the City Manager or the Mayor. The City Manager and Mayor are also authorized to take such other actions as are necessary to fulfill the City's commitments set forth in this resolution.

6. The City approves of the Authority's formation of a limited partnership and a limited company so that the Historical Tax Credits can be obtained from the Simms Center. It is anticipated that the members of the partnership and company will be the Authority, the Borrowers, taxable companies that benefit from tax credits, and a management entity.

7. The Resolutions passed by the City Council on March 25, July 22, September 23, November 11 and November 25 of 2003 shall continue in full force and effect, as modified by this Resolution.

This Resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: June 22, 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 AUTHORIZING THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY TO OBTAIN FINANCING IN ORDER TO RETIRE A PORTION OF CITY DEBT AND OTHER MATTERS CONCERNING THE LUCY F. SIMMS CONTINUING EDUCATION CENTER," taken at a regular meeting of the City Council held on June 22, 2004:

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

Dated: June 22, 2004

(SEAL)

\_\_\_\_\_  
Mayor, City of Harrisonburg, Virginia

ATTEST:

\_\_\_\_\_  
Clerk, City Council of the City of  
Harrisonburg, Virginia

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the "City Council") hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on June 22, 2004, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this \_\_\_\_ day of \_\_\_\_\_, 2004.

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

Following further discussion and comments, Council Member Peterson offered a motion to approve this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson  
Council Member Lantz  
Mayor Fitzgerald

Abstained – Council Member Frank  
Vice-Mayor Rogers

Absent – None

The next item of business was a request for a street closing for Valley 4<sup>th</sup>. Robin Iten Porter, Executive Director of the Arts Council, said that a parade and musical performance as part of the Valley 4<sup>th</sup> event will be held on Monday, July 5<sup>th</sup>. The area to be closed for the parade, which will begin at 5:00 p.m., will be from Campbell Street to the county administration building. She said that the request also includes closing a small portion of West Market Street from Court Square to Liberty Street at noon on July 5<sup>th</sup>. This will allow adequate time to locate the stage for the evening's musical entertainment. Moving the stage and tent to the West side of the square will allow better sightlines for a larger number of people. City Manager Baker reminded everyone that a fire lane must be kept open for emergency vehicles. Council Member Frank offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request for variances by Orden Harmon for a preliminary plat of 49 townhouse lots. The site consists of an 8.176-acre parcel. The property is zoned R-3, Multiple Dwelling Residential District and is located at the north end of Buttonwood Court. She said that these lots will all front on a yet to be constructed private street. This proposed design requires two variances to the City Code including that all lots front on a public street and requiring that all dead end public street terminate with a cul-de-sac. The Comprehensive Plan designates this area as Medium-Density Residential. She reviewed the surrounding uses in the area. The townhouses on the west side of the proposed private street of the development will have garages with a driveway accommodating two cars. The townhouses on the east side of the development will have two and one-half parking spaces per lot in front of the units. A total of 146 parking spaces will be provided. This exceeds the City's requirement by 23 spaces. The applicant has informed staff that he will be installing speed tables to reduce the risk of high-speed traffic through this development. She said that Planning Commission has recommended approval of the request.

Randy Harman, reviewed several aspects of the proposed development and said that because of the steepness of the terrain, even though these townhouses will be three levels, they will sit below the sight distances of all of the houses located on Park Road. The units will contain

approximately 2,000 square feet on all three levels. Each unit will have an all brick facade on the front.

Following further discussion and comments, Vice-Mayor Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was a request from the City Treasurer to charge off uncollectable personal property taxes for the year 1998 and real estate taxes for the year 1983. City Manager Baker said the 1983 real estate tax being written off is \$174.85 and the 1998 personal property taxes' amount is \$84,847.83. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was a request from the City Treasurer to advertise delinquent real estate taxes in the Daily News-Record. Council Member Peterson said that according to City Code Section 4-1-28 the Treasurer should submit this request to the City Council at its July meeting. He said it was inappropriate for this Council to vote on the request. He offered a motion to table this request until the next meeting in July. There was a consensus of Council to table this request.

The next item of business was a request by the Town of Dayton to purchase City property. City Manager Baker said the Town of Dayton has been leasing a small parcel of land containing .666 acres from the City since 1978. He said that the City might have a need for this parcel of land in the future and staff has recommended that the land not be sold. Vice-Mayor Rogers offered a motion to reject this request. The motion was approved with a unanimous vote of Council.

Public Works Director Baker presented a request for a transfer for the Public Works Department. He said these existing funds, which are available in the operational budget need to be transferred to the future Port Republic Road project allowing this project to get started. Vice-Mayor Rogers offered a motion to transfer these funds.

\$ 5,700.00 chge. to: 1000-410241-43320 Service Contracts  
475,800.00 chge. to: 1000-410241-43374 Maintenance & Repairs-Allowable  
54,500.00 chge. to: 1000-410241-43375 Maintenance & Repairs-Non-Allowable  
  
\$536,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects  
536,000.00 approp. to: 1310-910141-48617 Port Republic Road Street Improvements

The recorded roll call vote was taken as follows:

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

Absent – None

Public Works Director Baker presented a request for a transfer for the Public Works Department. He said that these funds will be used to complete road improvements from Devon Lane to Peach Grove/Neff Avenue intersection. Vice-Mayor Rogers offered a motion to transfer these funds.

\$ 97,731.83 chge. to: 1310-910141-48615 N. Main Street Bridge-Blacks Run  
1,359.15 chge. to: 1310-910141-48618 North Main Street Bridge @ Johnson  
106,563.33 chge. to: 1310-910141-48620 Burgess Road Extension  
488,198.38 chge. to: 1310-910141-48638 Cantrell Avenue Road Improvements  
\$693,852.69 approp. to: 1310-910141-48617 Port Republic Road Street Improvements

The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker presented a request to transfer funds for the School Board. The City School system is suppose to receive \$1,265,685 more in state revenues than included in the original 2004-2005 school budget. After considering VRS and GLI changes, an amount of \$291,433 is needed to fully fund the school's 2004-05 budget. Therefore as previously promised by the School Board, the remaining addition amount of \$974,252 is being used to reduce the General Fund's transfer to the School Fund. Approval of this request will neither increase nor

decrease the City's 2004-2005 budget only how the money is allocated. Council Member Peterson offered a motion to transfer these funds.

\$974,252.00 chge. to: 1000-990111-49220 Transfer to School Fund

\$974,250.00 approp. to: 1000-31010 Amount from fund balance

The recorded roll call vote was taken as follows:

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through a grant from the Bureau of Justice's Bulletproof Vest Program. Vice-Mayor Rogers offered a motion to approve request for a first reading, and that:

\$5,473.00 chge. to: 1000-33504 Bullet proof vest grant

\$5,473.00 approp. to: 1000-310231-481240 Bullet proof vests

The recorded roll call vote was taken as follows:

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

Absent – None

Parks and Recreation Director Foerster presented a request for the Parks and Recreation Department. He said that these funds will establish the budget for the Blacks Run Greenway position made possible by a one million dollar endowment from Zane Showker with the Harrisonburg-Rockingham Community Foundation. The City has received a check and will continue to receive funds from the Zane Showker endowment for fiscal year 2004-2005. The City also received an reimbursement grant from the Virginia Division of Forestry for the Blacks Run Greenway project. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$51,755.00 chge, to: 1000-31823 Donations Blacks Run Greenway

\$28,017.00 approp. to: 1000-710971-41010 Salaries & Wages  
156.00 approp. to: 1000-710971-41015 Employer Benefit  
2,143.00 approp. to: 1000-710971-42010 FICA  
4,203.00 approp. to: 1000-710971-42020 Retirement-VRS  
7,898.00 approp. to: 1000-710971-42050 Hospital Insurance  
530.00 approp. to: 1000-710971-42110 Worker's Comp.  
400.00 approp. to: 1000-710971-42120 Clothing Allowance  
38.00 approp. to: 1000-710971-42160 Flex Spending Plan  
300.00 approp. to: 1000-710971-43110 Medical Services  
500.00 approp. to: 1000-710971-43600 Advertising  
800.00 approp. to: 1000-710971-44200 Central Garage  
1,500.00 approp. to: 1000-710971-44310 C.S. Powered Equipment Fuel  
200.00 approp. to: 1000-710971-45230 Telecommunication  
670.00 approp. to: 1000-710971-45350 Motor Vehicle Insurance  
1,200.00 approp. to: 1000-710971-45530 Training & Travel  
3,200.00 approp. to: 1000-710971-46140 Other Operating

The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was a resolution authorizing the City Manager to apply for grant funding from the Homeland Security funds from the Department of Justice. The request also designated City Manager Roger D. Baker as the Designated Agent for the City of Harrisonburg. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Peterson offered a motion that Stacy Turner be appointed to a term on the Central Shenandoah Planning District Commission to expire on June 30, 2007. The motion was approved with a unanimous vote of Council.

At 8:20 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REORGANIZATION MEETING

THURSDAY, JULY 1, 2004

At a reorganization meeting held in the Council Chamber today at 10:00 a.m., there were present: City Manager Roger Baker; Assistant City Manager Kurt Hodgen; Council Members Charles R. Chenault; Rodney L. Eagle; Hugh J. Lantz; George W. Pace and Larry M Rogers; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, required by Section 42 of the City Charter, to be held in the Council Chamber on Thursday, July 1, 2004 at 10:00 a.m., to consider the following matters and take necessary action thereon:

1. Call to order.
2. Oath prescribed by Law, Section 42 of the City Charter:
3. Re-organization of City Council:
  - a. Election of MAYOR, 2-year term (Section 7 City Charter).
  - b. Election of VICE-MAYOR, 2-year term (Section 7 City Charter).
  - c. Appoint City Manager.
  - d. Appoint CITY ATTORNEY, 2-year term (City Code Section 3-2-1).
  - e. Appoint one member of Council to Planning Commission, (City Code Section 10-1-2(c)).
  - f. Appoint one member of Council to Parks and Recreation Commission (City Code Section 9-1-1).
  - g. Appoint one member of Council to the Convention & Visitors Bureau Advisory Board.
  - h. Appoint one member of Council to the Harrisonburg-Rockingham Chamber of Commerce Board.
  - i. Appoint one member of Council to the Central Shenandoah Planning District Commission.
  - j. Appoint one member of Council to the Community Criminal Justice Board.
  - k. Appoint one member of Council to the Deer Population Task Force.
  - l. Appoint one member of Council to the Rockingham Extension Leadership Council.
  - m. Liaison of Council to the Advisory Board for Jail Facility.
  - n. Liaison of Council to the Harrisonburg Golf Course Advisory Committee.
  - o. Liaison of Council to the Social Services Advisory Board.
  - p. Liaisons (2) of Council to the City/County Liaison Committee.
  - q. Liaison of Council to the School Liaison Committee.
  - r. Representatives of City Council to the MPO.

4. Designate regular meeting time and dates (currently 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at 7:30 p.m.) Changing time and/or date requires an amendment to City Code Section 2-2-5.
5. Others Matters

City Clerk Ryan reported that she was in receipt of Oaths of Office, duly taken by Charles R. Chenault, Rodney L. Eagle, and George W. Pace.

Under Item #3 of today's agenda, "Re-organization of City Council", the following actions were taken:

Council Member Eagle offered a motion that Mr. Larry M. Rogers be appointed as Mayor of the City of Harrisonburg. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Chenault offered a motion that Mr. Rodney L. Eagle be appointed as Vice-Mayor of the City of Harrisonburg. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Chenault offered a motion that Mr. Roger Baker be appointed as the City Manager of the City of Harrisonburg. The recorded roll call vote was taken as follows:

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

Absent – None

Vice-Mayor Eagle offered a motion that Mr. Earl Q. Thumma, Jr., be appointed as the City Attorney of the City of Harrisonburg. The recorded roll call vote was taken as follows:

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

Absent – None

Newly appointed City Attorney Thumma joined the City Council meeting.

Council Member Lantz offered a motion that George Pace be appointed to a term on the Harrisonburg Planning Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Eagle offered a motion that Charles Chenault be appointed to a term on the Harrisonburg Parks and Recreation Commission. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Rodney Eagle be appointed to a term on the Convention & Visitors Bureau Advisory Board. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Rodney Eagle be appointed to a term on the Harrisonburg-Rockingham Chamber of Commerce Board. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Rodney Eagle be appointed to the Central Shenandoah Planning District Commission. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Larry Rogers be appointed to the Community Criminal Justice Board. The motion was approved with a unanimous vote of Council.

Vice-Mayor Eagle offered a motion that Hugh Lantz be appointed to the Deer Population Task Force. The motion was approved with a unanimous vote of Council.

Vice-Mayor Eagle offered a motion that City Manager Baker appoint a staff member to the Rockingham Extension Leadership Council. The motion was approved with a unanimous vote of Council.

Vice-Mayor Eagle offered a motion that Mayor Larry Rogers be appointed as the Advisory Board Jail Facility Liaison. The motion was approved with a unanimous vote of Council.

Council Member Pace offered a motion that Charles Chenault be appointed to the Harrisonburg Golf Course Advisory Committee. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Charles Chenault be appointed to the Social Services Advisory Board. The motion was approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Council Member Hugh Lantz and Vice-Mayor Rodney Eagle be appointed to the City/County Liaison Committee. The motion was approved with a unanimous vote of Council.

Council Member Pace offered a motion that Council Member Charles Chenault be appointed as the Harrisonburg School Board Liaison. The motion was approved with a unanimous vote of Council.

Vice-Mayor Eagle offered a motion that Mayor Larry Rogers, Council Member Hugh Lantz, Council Member Charles Chenault, and Council Member George Pace be appointed as City representatives to the MPO. The motion was approved with a unanimous vote of Council.

Council Member Chenault offered a motion that City Council meet each month on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at 7:30 p.m. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for a fireworks permit for the Valley 4<sup>th</sup> celebration in the downtown area and a fireworks permit by the Spotswood Country Club for the July 4<sup>th</sup> celebration. The Fire Department recommends approval of the permit request. Council Member Chenault offered a motion to approve these requests for fireworks permits. The motion was approved with a unanimous vote of Council.

Mayor Rogers expressed his appreciation for everyone attending the re-organizational meeting.

City Manager Baker reminded everyone that all City Council meetings are televised and will continue to be televised on Tuesday nights at 7:30 p.m.

At 10:20 a.m., there being no further business and on motion adopted the meeting was adjourned.

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CLERK

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MAYOR



## REGULAR MEETING

JULY 13, 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; 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.

Vice-Mayor Eagle offered a motion to approve the consent agenda, including approval of the June 22<sup>nd</sup> and July 1<sup>st</sup> minutes and the second reading of a Supplemental Appropriation for the Police Department and Parks and Recreation Department, referring an alley closing request to the Planning Commission, a rezoning request by Raymond Knicely and a request to expand the Virginia Mennonite Retirement Center. The motion also included authorizing City Manager Roger Baker to transfer funds from the Reserve for Contingency to other funds. 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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Ms. Nancy Hopkins-Garriss, Executive Director of Pleasant View, Inc., gave an overview and background, of the company. Pleasant View was founded in 1971 to serve adults with developmentally disabilities. The company plans to build a new facility for their "Day Program" at 151 Commerce Drive in the City of Harrisonburg. In the past few years, they have been renting space from the Virginia Mennonite Retirement Community. The new building will be constructed by Lantz Construction Company, and will contain classrooms, training rooms, a prayer room, and offices for staff. The building will cost approximately \$2 million. Pleasant View has been in a capitol campaign and so far has raised over a million dollars.

Council Member Pace asked whether or not the building was correctly zoned for the site. Ms. Nancy Hopkins-Garris answered that yes it was correctly zoned for "Business".

Carolyn Perry, an attorney representing Pleasant View, said Pleasant View was a tax-exempt organization and has the opportunity to take advantage of low interest financing. The offices are located in Broadway, which allows them to go to their IDA to ask for the bank-qualified eligibility. This is a 10 million dollar limitation, which allows the City to preserve its bank-qualified eligibility for its own projects. Pleasant View must pay the principal and interest

on these bonds. The Town of Broadway has approved these bonds and held a public hearing. Because the facility will be located in Harrisonburg, approval by Harrisonburg City Council is required by Virginia law, and will have no impact on the City "bank-qualified" eligibility.

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

**RESOLUTION OF THE CITY COUNCIL OF CITY OF HARRISONBURG, VIRGINIA  
APPROVING THE ISSUANCE OF A REVENUE BOND TO BE ISSUED BY THE  
INDUSTRIAL DEVELOPMENT AUTHORITY OF TOWN OF BROADWAY,  
VIRGINIA, FOR THE BENEFIT OF PLEASANT VIEW, INC.**

**WHEREAS, the Industrial Development Authority of Town of Broadway, Virginia (the "Authority") has considered the financing request of Pleasant View, Inc. (the "Corporation") for the issuance of the Authority's revenue bond in the aggregate principal amount of \$1,500,000 (the "Bond") to assist the Corporation in financing a portion of the total costs to: (i) acquire, construct and equip an approximately 16,000 square foot new facility to be located at 151 Commerce Drive, City of Harrisonburg, Virginia 22802, to assist the Corporation to carry out its charitable mission in the community more effectively and efficiently for the provision of programs at such facility for persons who have disabilities, including the Harrisonburg Adult Developmental Day Program, the Community Connections Program, and the Supported Employment Program, and, further, for the provision of new administrative offices for the Corporation in connection with its general operations, and (ii) pay issuance costs associated with such financing (collectively, the "Project");**

**WHEREAS the Authority issues its bonds on behalf of the Town of Broadway, Virginia (the "Town");**

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

**WHEREAS the Authority has duly held a public hearing on July 6, 2004, on the issuance of the Bond upon due notice of publication therefor, and the Authority has recommended to the City Council to approve the Project and the Bond, as required by Section 15.2-4905 of the Code of Virginia, 1950, as amended; and**

**WHEREAS, a copy of the Fiscal Impact Statement, the Certificate of Publication of Public Notice, a Summary of Statements at the Public Hearing, and a copy of the authorizing resolution of the Authority duly adopted on July 6, 2004 (the "Authority Resolution") approving the issuance of the Bond, subject to the terms to be agreed upon, have been filed with the City Council as required by law.**

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

1. The City Council concurs with the Authority Resolution and approves the Project and the issuance of the Bond by the Authority for the benefit of the Corporation, as more particularly described in the Authority Resolution.

2. The approval of the issuance of the Bond does not constitute an endorsement to prospective purchasers of the Bond or the creditworthiness of the Project or the Corporation.

3. The Bond shall provide that it shall not be deemed to constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the Town, and the City, and neither the Authority nor any other political subdivision shall be obligated to pay the principal of, premium, if any, or interest on the Bond or other costs incident thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the Town and the City, shall be pledged for the payment of principal or premium, if any, or interest on the Bond or other costs incident thereto.

This Resolution will take effect immediately upon its adoption.

Adopted: July 13, 2004

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Mayor, City of Harrisonburg, Virginia

**CERTIFICATE**

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution entitled, "Resolution Of The City Council Of City Of Harrisonburg, Virginia Approving The Issuance Of a Revenue Bond To Be Issued By The Industrial Development Authority Of Town of Broadway, Virginia, For The Benefit of Pleasant View, Inc." adopted by the City Council at a regular meeting duly held and called on July 13, 2004. A record of the roll-call vote by the City Council is as follows:

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

Date: July 13, 2004

[SEAL]

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**City Clerk  
City of Harrisonburg, Virginia**

Council Member Chenault offered a motion to adopt the resolution. 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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority, presented a resolution requesting support of a grant application to the Housing Urban Development for a Continuum of Care Grant. He said if the grant application is successful it could possibly bring \$274,000 to the area. Many local charities and churches are involved in the effort. The focus of this grant is to develop and administer a collaborative process to prevent homelessness, to improve self-sufficiency, skills with appropriate housing and support services, and individual housing needs. He also said that HRHA hopes to create permanent housing for persons with disabilities that are homeless, services to assist them, establish a homeless management information system, analyze housing needs and issues, cure chronic homelessness, and develop a information referral system. Currently the grant is funded through the Community Resource Center, part of the Healthy Community Council.

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

**RESOLUTION  
SUPPORTING a CONTINUUM OF CARE GRANT by HUD to  
THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

**WHEREAS, the Harrisonburg Rockingham Housing Continuum of Care Alliance was established as a sub-committee of the Healthy Community Council in the spring of 2003 (the “Alliance”). The Alliance is comprised of a variety of human service agencies and individuals who serve Harrisonburg and Rockingham County, Virginia and have a common goal of addressing housing. Its mission was to analyze and promote system change to improve and address the full continuum of housing needs and issues in the local area; and,**

**WHEREAS, the Alliance has completed a needs assessment that specifically identifies housing needs for individuals with disabilities, elderly and persons in abusive situations; and,**

**WHEREAS, the Alliance has requested that the Harrisonburg Redevelopment and Housing Authority (the "Authority") apply to the Federal Offices of the Housing and Urban Development for a Continuum of Care grant. The grant will allow the Alliance to focus on the following:**

- a) Develop and administer a collaborative process to prevent homelessness;**
- b) Improve self-sufficiency skills with appropriate housing and supportive services; and**
- c) Address individual housing needs within the service area's housing continuum.**

**WHEREAS, the Authority now desires to obtain the support of the City of Harrisonburg (the "City") for the grant.**

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

- 1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of this Resolution as if fully set forth herein.**
- 2. The City supports the Authority's application to the Federal Offices of the Housing and Urban Development for a Continuum of Care grant.**

**This resolution shall take effect immediately upon its adoption.**

**READ AND ADOPTED: July 13, 2004**

**CERTIFICATE**

**Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION SUPPORTING a CONTINUUM OF CARE GRANT by HUD to THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on July 13, 2004:**

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

**Dated: July 13, 2004**

(SEAL)

\_\_\_\_\_  
**Mayor, City of Harrisonburg, Virginia**

**ATTEST:**

\_\_\_\_\_  
**Clerk, City Council of the City of  
Harrisonburg, Virginia**

Council Member Lantz offered a motion to adopt the resolution. 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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Council Member Lantz offered a motion to approve FY 2005 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

City Treasurer Neal presented a request to advertise delinquent real estate taxes for 2001/2002 and 2002/2003. The ads themselves are \$500 and are published twice in the Daily News-Record. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

The next item was a request to designate the United Way Success by Six Regional Early Coalition as the City's agent. Elisa McDonald, Executive Director of the United Way, explained that the group is applying for 2004 Early Learning Opportunities Act (ELOA) discretionary grant funds. She provided an overview of past funding projects and successes. The plan allows the United Way to continue the success of the Reading Road Show, develop an intensive comprehensive training program for regional day care providers, provide transportation for field

trips, provide for local day care centers ESL consultants, provide local at-risk first time parents intensive services and monitoring, expand the coverage to Shenandoah and Page Counties, and provide parent training on early learning and related health issues for their children. It will also provide an opportunity to increase the skills of local daycare providers, in depth training on development issues, providing school readiness including emergent literacy, social emotional development and ESL. Parents will have an opportunity to increase their skills and understanding that will contribute to their children's success in learning and life through a variety of trainings and neighborhood literacy activities. She requested that City Council designate the United Way Success by Six Regional Early Coalition as the eligible council to apply for this funding. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

City Council Members agreed to hold a Council Planning Work Session on August 27, 2004 at 4:00 p.m.

The next item of discussion was to consider setting dates for holdings joint City Council/School meetings. City Council agreed to hold the first meeting on August 31, 2004.

City Manager Baker presented a request from the Downtown Retail Merchants Association. He explained that the association has requested permission to hold the annual "Cruise In and Craft Show" on Saturday, August 28<sup>th</sup> from 9:00 a.m. until 3:00 p.m. He also said that no objections have been raised to this request, although the Fire Department will require that a 20-foot wide lane be kept open for emergency vehicle access. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

The next item of business was a request from the Boys & Girls Club of Harrisonburg and Rockingham County. Bev Solomon, Director of Development of the Boys & Girls Club, said that the club will be holding a "National Kids Day" on Sunday, August 1<sup>st</sup> from 1:00 p.m. until 4:00 p.m. The group is requesting to block off Main Street from Water Street to Elizabeth Street for the event. The Boys & Girls Clubs are teaming up with the Harrisonburg Parks & Recreation Department and other downtown merchants for the non-profit organization event. Council Member Lantz offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

The next item of business was amending and re-enacting Section 1-1-13 of the Harrisonburg City Code. City Manager Baker said that the Electoral Board has requested Council to amend the Central Absentee Voter Election District section of the City Code to include Primary and Special elections. A central absentee precinct would be used for all elections and would help to eliminate confusion at the polling places for election officials required to use different forms when counting absentee ballots. Council Member Lantz offered a motion to amend Section 1-1-13 of the 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 Chenault

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

Absent – None

The next item of business was approval of the Community Development Block Grant Consolidated Plan. Assistant City Manager Hodgen said that staff presented the draft plan in June. Two required public hearings have been held and the 30-day public comment period has ended. As a result of the 30-day comment period, one change is being recommended and that is the inclusion of \$6,000.00 for the Community Resource Center (CRC) and Housing and Redevelopment Authority funding for a “Homeless Management Information System”. The \$6,000.00 would serve as matching funds for a separate grant application that the CRC is submitting to HUD. If the larger HUD grant is not received by the CRC, they will not receive the \$6,000.00 from the City’s CDBG funds. The grand total spending plan is \$648,000.00. This plan will be submitted to HUD for review. Upon receiving approval from HUD the City will be able to begin the draw down process in receiving funds. Council Member Lantz offered a motion to approve this plan. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

The next item of business was a request to amend the City Procurement Manual. City Manager Baker said these proposed changes are being recommended to include the Code of VA updates, adopted July 1, 2003, increasing amounts for request for proposal or invitation to bid, and increasing small purchase dollar amounts to match bidding thresholds. Council Member Pace offered a motion to amend the City Procurement Manual. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented a request to transfer funds to adjust the budget for the fiscal year 2004-2005. He said that the budget for the Harrison Plaza building has been included in the City’s 2004-2005 budget as an expense of the Planning and Community Development Department. However, as of July 1, 2004, the expenses for the Public Safety Building will be handled by the Fire Department. Council Member Chenault offered a motion to approve this request, and that:

\$26,780 chge. to: 1000-430121-41010 Salaries and wages  
156 chge. to: 1000-430121-41015 Employer benefit match  
515 chge. to: 1000-430121-41020 Salaries and wages – Overtime

3,241 chge. to: 1000-430121-41030 Part time salaries and wages  
 2,348 chge. to: 1000-430121-42010 FICA  
 4,084 chge. to: 1000-430121-42020 Retirement – VRS  
 2,563 chge. to: 1000-430121-42050 Hospital insurance  
 457 chge. to: 1000-430121-42110 Worker’s Comp. Insurance  
 10,572 chge. to: 1000-430121-43320 Service contracts  
 11,000 chge. to: 1000-430121-43330 Maint & repair-Mach & equip  
 3,000 chge. to: 1000-430121-43360 Maint & repair-Buildings & grounds  
 3,000 chge. to: 1000-430121-44300 Central Stores  
 70,488 chge. to: 1000-430121-45110 Electricity  
 14,490 chge. to: 1000-430121-45119 Natural gas  
 8,640 chge. to: 1000-430121-45130 Water and sewer  
 1,308 chge. to: 1000-430121-45230 Telecommunications  
 4,458 chge. to: 1000-430121-45310 Boiler & Machinery insurance  
 3,648 chge. to: 1000-430121-45340 Property Insurance  
 79 chge. to: 1000-430121-45370 Pub. Official Liab. Insurance  
 60 chge. to: 1000-430121-45380 General Liab. Insurance  
 400 chge. to: 1000-430121-46110 Uniforms  
 3,000 chge. to: 1000-430121-46140 Other Operating Supplies  
2,000 chge. to: 1000-430121-48111 Machinery & equipment

Total 176,287

26,780 approp. to: 1000-320632-41010 Salaries and wages  
 156 approp. to: 1000-320632-41015 Employer benefit match  
 515 approp. to: 1000-320632-41020 Salaries and wages – Over time  
 3,241 approp. to: 1000-320632-41020 Part time salaries and wages  
 2,348 approp. to: 1000-320632-42020 Retirement-VRS  
 457 approp. to: 1000-320632-42110 Worker’s Comp. Insurance  
 10,572 approp. to: 1000-210632-43320 Service contracts  
 11,000 approp. to: 1000-320632-43330 Maint & repair-Mach & equip  
 3,000 approp. to: 1000-320632-43360 Maint & repair-Bldgs & gnds  
 3,000 approp. to: 1000-320632-44300 Central Stores  
 70,488 approp. to: 1000-320632-45110 Electricity  
 14,490 approp. to: 1000-320632-45119 Natural gas  
 8,640 approp. to: 1000-320632-45130 Water & Sewer  
 1,308 approp. to: 1000-320632-45230 Telecommunications  
 4,458 approp. to: 1000-320632-45310 Boiler & Machinery Insurance  
 3,648 approp. to: 1000-320632-45340 Property Insurance  
 79 approp. to: 1000-320632-45370 Pub. Official Liab. Insurance  
 60 approp. to: 1000-320632-45380 General Liab. Insurance  
 400 approp. to: 1000-320632-46110 Uniforms  
 3,000 approp. to: 1000-320632-46140 Other Operating Supplies  
 2,000 approp. to: 1000-320632-48111 Machinery & equipment

Total 176,287

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that the Police Department developed and implemented a community gun lock/safe storage campaign. These funds were received through a grant from the Virginia Department of Health for the distribution of free gun locks and printed materials. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$2,500.00 chge. to: 1000-31010 Amount from fund balance

\$2,500.00 approp. to: 1000-310431-46010 Office supplies

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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that DMV will reimburse the City to purchase the Vince and Larry crash dummies costumes for Traffic Safety Promotional Aids. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,500.00 chge. to: 1000-31010 Amount from Fund Balance

\$1,500 approp. to: 1000-310231-46140 Other operating supplies

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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 8:30 p.m., Vice-Mayor Eagle offered a motion that Council enter a closed session for discussion and consideration of the acquisition of real property to be used for a public purpose, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion also included discussion and consideration of prospective candidates to be appointed to the Blue Ridge Disability Service Board, Board of Zoning Appeals, Industrial Development Authority, Social Service Advisory Board, Community Service (Chapter 10) Board, and Harrisonburg Redevelopment and Housing Authority, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. 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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 9:25 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 Members present: 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 Lantz offered a motion that Denise A. Whitman, 417 Mt. View Drive be appointed to a first term on the Community Services (Chapter 10) Board to expire on July 1, 2007. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that David F. Denman, 225 Betts Road, be appointed to an unexpired term on the Harrisonburg Redevelopment & Housing Authority to expire on November 29, 2004. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Kathryn Whitten, 560 South Mason Street, be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire

on March 20, 2009. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that E. Maupin Stewart, 910 Ridgewood Road, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2008. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

At 9:26 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

JULY 27, 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; Hugh J. Lantz; George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Captain Wilfong. Absent: Chief of Police Donald Harper.

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

Bucky Berry a resident of Harrisonburg complained about businesses from the County operating in the City without first obtaining a City business license.

Council Member Lantz offered a motion to approve the consent agenda, including approval of the minutes and the second reading of Supplemental Appropriations for the Police Department and amending Section 1-1-13 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The Harrisonburg City Council congratulated The Harrisonburg HEAT Girls 14s for winning the 2004 AAU Division II National Championship. Mayor Rogers read the following resolution:

### RESOLUTION

**WHEREAS, The Harrisonburg HEAT Girls 14s is an outstanding organization that enhances basketball skills, social development, education, and promotes community service; and**

**WHEREAS this team benefits the development of local Shenandoah Valley fourteen year old girls; and**

**WHEREAS this team maintained an incredible full-season record of 40-9; and**

**WHEREAS, The Harrisonburg HEAT Girls 14s won the 2004 AAU Division II National Championship,**

**NOW, THEREFORE, BE IT RESOLVED, that the City of Harrisonburg salutes and commends the team and its' coaches for a great season and wishes them the best of luck next year.**

*Players:*

**#4 Natalie Holsinger**

**#10 Cassie Thompson**

**#11 Kristina Jameson**

**#14 Heather Morris**

**# 23 Natasha Pupic**

**# 24 Jordan Burkholder**

**#30 Kallie Hovatter**

**# 34 Cassidy Kramer**

**# 42 Elizabeth Brandt**

**# 43 Devon Brown**

**# 45 Elisa Troyer**

*Coaches:*

**George Toliver, Head Coach**

**Johnna Sowell, Assistant Coach**

**Bill Stein, Assistant Coach**

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**Date**

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**Larry M. Rogers, Mayor**

**Attest:**

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**Yvonne Ryan, CMC, City Clerk**

George Toliver, Coach of the Harrisonburg Heat Team, expressed his appreciation to the Harrisonburg City Council for recognizing the team's outstanding accomplishments. He said, "We started the league so the kids could develop their skills and learn the game, but also with the goals of developing social skills and enhancing their academic performance. The players are national champions and good people. This is not a Cinderella story. This is a story of hard work, effort, and of understanding the values that it takes to be part of a team." Mr. Toliver reviewed many programs involved in enhancing basketball skills. Certificates were presented to the coaches and players of the Harrisonburg HEAT Team.

City Manager Baker presented for Council's consideration 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. At June 30, 2004, there were outstanding encumbrances for purchase orders, which were issued prior to June 30, 2004.

At 7:46 p.m., Mayor Rogers closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 19, 2004.

**NOTICE OF PUBLIC HEARING  
City Council Chambers  
Tuesday, July 27, 2004  
7:30 p.m.**

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 27, 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 amount of \$2,363,677.27. This amount represents outstanding encumbrance at June 30, 2004.

The budget increases will be as noted below:

**Revenues:**

<b>General Fund:</b>		
Amount from fund balance		319,956.27
<b>Water Fund:</b>		
Amount from fund balance		52,878.00
<b>Sewer Fund:</b>		
Amount from fund balance		221,157.00
<b>Public Transportation Fund:</b>		
Amount from fund balance	312,769.00	
Capital Grant-Bus-State	161,288.00	
Capital Grant-Bus-Federal	<u>1,290,307.00</u>	1,764,364.00
<b>Sanitation Fund:</b>		
Amount from fund balance		<u>5,322.00</u>
<b>Total revenues</b>		<u><b>2,363,677.27</b></u>

**Expenditures:**

<b>General Fund</b>	319,956.27
<b>Water Fund</b>	52,878.00
<b>Sewer Fund</b>	221,157.00
<b>Public Transportation Fund</b>	1,764,364.00
<b>Sanitation Fund</b>	<u>5,322.00</u>
<b>Total expenditures</b>	
	<u><b>2,363,677.27</b></u>

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

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

Mayor Rogers called on anyone desiring to speak for or against amending Fiscal Year 2004-2005 budget. There being no one desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve amending the budget for a first reading, and that:

\$319,956.27 chge. to: 1000-31010 Amount from fund balance  
52,878.00 chge. to: 2011-31010 Amount from fund balance  
221,157.00 chge. to: 2012-31010 Amount from fund balance  
213,769.00 chge. to: 2013-31010 Amount from fund balance  
161,288.00 chge. to: 2013-32518 Transit-Cap-Grant-Bus-State  
1,290,307.00 chge. to: 2013-33305 Transit-Cap-Bus-Fed  
5,322.00 chge. to: 2014-31010 Amount from fund balance

2,363,677.27

Grand Total

626.00 approp. to: 1000-120111-43320 Service contacts  
1,250.00 approp. to: 1000-120511-45540 Education  
88.60 approp. to: 1000-120511-46010 Office supplies  
4,602.95 approp. to: 1000-121511-48121 Furniture and fixtures  
3,291.00 approp. to: 1000-122011-48172 Hardware  
22,100.00 approp. to: 1000-122011-48273 Software  
1,502.45 approp. to: 1000-122211-48121 Furniture and fixtures  
2,865.00 approp. to: 1000-310431-48172 Hardware  
28,270.00 approp. to: 1000-410121-48191 Engineering/Mapping  
79,066.31 approp. to: 1000-410241-48293 WIP-Annexed area  
67,340.00 approp. to: 1000-410741-48111 Machinery and equipment  
1,000.00 approp. to: 1000-430221-43320 Service contracts  
14,214.00 approp. to: 1000-710171-46131 Ed/Rec. Supplies-Playgrounds  
10,003.00 approp. to: 1000-71071-48284 Improvements  
5,162.00 approp. to: 1000-710471-43310 Repairs and maintenance  
987.96 approp. to: 1000-710471-46130 Recreational supplies  
586.85 approp. to: 1000-710471-48122 Furniture  
1,775.19 approp. to: 1000-710471-48184 Improvements  
7,623.00 approp. to: 1000-710771-48184 Improvements  
3,900.00 approp. to: 1000-710871-43360 Maint & Repair-Bldg & grounds  
19,050.00 approp. to: 1000-710871-48284 Improvements  
37,420.00 approp. to: 1000-810121-43100 Professional services  
3,631.96 approp. to: 1000-810121-48171 EDP Equipment  
3,600.00 approp. to: 1000-910411-45660 Other non departmental  
  
4,750.00 approp. to: 2011-322061-43333 Maint & Repair-SCADA  
46,941.00 approp. to: 2011-372061-48181 Buildings and grounds  
1,187.00 approp. to: 2011-372061-48273 Software  
  
20,000.00 approp. to: 2012-452061-43382 H2O loss mgt-Master test  
125,094.00 approp. to: 2012-472061-48151 Motor vehicles & equipment  
74,000.00 approp. to: 2012-472061-48273 Buildings and grounds  
2,063.00 approp. to: 2012-472061-48273 Software  
  
1,480.00 approp. to: 2013-842081-45530 Training and travel

150,000.00 approp. to: 2013-872081-48181 Building and grounds  
1,612,884.00 approp. to: 2013-872081-48253 Transit buses

5,322.00 approp. to: 2014-912242-43330 Maint and repair-mach & equip

\$2,363,677.27 Grand Total

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

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

Absent – None

Planning and Community Development Director Turner introduced a request by Jared Scripture to subdivide a one-acre lot into 12 townhouse lots and two duplex lots zoned R-3, Multiple Dwelling Residential District with a variance to Section 10-2-42. The property is located along Merlins Way within the Avalon Woods Subdivision. The plan calls for the removal of the existing home and accessory buildings, construction of townhouses and duplexes connecting the adjacent development through two access points assisting in traffic flow throughout the development. The Comprehensive Plan designates this area as Medium-Density Residential. This proposed design requires a variance to Section 10-2-42 of the City Code, requiring that all lots front on a public street. Mrs. Turner then reviewed the surrounding uses in the area. The City will not provide trash pickup or snow removal. Mailboxes will be placed in-group locations for the development. She said that Planning Commission has recommended approval of the rezoning request. Council Member Pace offered a motion to approve the request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

The next item was a request to exempt water, sewer and refuse collection fees for those people who are members of the National Guard or Reservists while they are on active duty.

Ray MacLennan, a resident of the City, requested that the City of Harrisonburg exempt water, sewer and refuse collection fees for those people who are members of the National Guard or Reserves, being activated and deployed who qualify as heads of household. Council Member Chenault offered a motion to approve exempting water, sewer and refuse collection fees for National Guard and Reservists members who are deployed. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker presented a request from Rockingham County Public Schools. He explained that the schools have requested permission to hold a special event “Celebrating Character Counts” on Court Square on Thursday, September 9<sup>th</sup> from 5:15 p.m. until 8:00 p.m. Council Member Chenault offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

City Manager Baker presented the following resolutions for Council’s consideration of approval:

**Property Conveyance Resolution**

**WHEREAS, the Virginia Department of Transportation acquired in the name of the Commonwealth of Virginia as a part of the State Highway System and/or Secondary System of State Highways the necessary right of way for the following routes, streets and projects:**

<b>Old Route, Name</b>	<b>Project Number</b>	<b>From</b>	<b>To</b>
<b>Linda Lane</b>	<b>N/A</b>	<b>East Market St.</b>	<b>Country Club Rd</b>

**Property deeded to Commonwealth of Virginia by Bill V. Neff recorded 23<sup>rd</sup> day of September 1969. Deed Book 373 Page 575**

**WHEREAS, the areas of the county in which the said projects were originally constructed have been annexed and are now within the City Limits of the City of Harrisonburg; and**

**WHEREAS, the said route and streets are in the said City’s street system and are maintained in accordance with the standards and policies of Virginia Department of Transportation Urban Street system; and**

**THEREFORE BE IT RESOLVED that in accordance with Sections 33.1-149 and 33.1-154 of the Code of Virginia (1950), as amended, the City of Harrisonburg, Virginia requests the Commonwealth Transportation Board to convey title of the project right of way acquired for the said projects located within the present city limits of said City to the City of Harrisonburg:**

**Adopted and approved this 27th day of July, 2004.**

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**Mayor**

**Attest:**

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Clerk

**Property Conveyance Resolution**

**WHEREAS, the Virginia Department of Transportation acquired in the name of the Commonwealth of Virginia as a part of the State Highway System and/or Secondary System of State Highways the necessary right of way for the following routes, streets and projects:**

<b>Old Route, Name</b>	<b>Project Number</b>	<b>From</b>	<b>To</b>
<b>(726) Erickson Avenue</b>	<b>0726-082-157, C-501</b>	<b>Pear St.</b>	<b>New C/L W</b>
<b>(974) Country Club Rd.</b>	<b>1081D (Old Rte. 33/4)</b>	<b>Old C/L East</b>	<b>E. Market St.</b>
<b>(718) Old Furnace Road</b>	<b>0718-082-122, C-501</b>	<b>Old C/L East</b>	<b>New C/L East</b>
<b>(726) Stone Spring Road</b>	<b>0726-082-121, C501</b>	<b>Huffman Street</b>	<b>New C/L East</b>
<b>(679) Pleasant Valley Rd.</b>	<b>0679-082-105, B-6</b>	<b>S. Main St.</b>	<b>New C/L East</b>
<b>(659) Port Republic Rd</b>	<b>0659-082-116, C501</b>	<b>Old City Limits</b>	<b>New C/L East</b>
<b>(763) Mt. Clinton Pike</b>	<b>0763-082-146, R-501</b>	<b>Virginia Avenue</b>	<b>New C/L W</b>

**WHEREAS, the areas of the county in which the said projects were originally constructed have been annexed and are now within the City Limits of the City of Harrisonburg; and**

**WHEREAS, the said route and streets are in the said City's street system and are maintained in accordance with the standards and policies of Virginia Department of Transportation Urban Street system; and**

**THEREFORE BE IT RESOLVED that in accordance with Sections 33.1-149 and 33.1-154 of the Code of Virginia (1950), as amended, the City of Harrisonburg, Virginia requests the Commonwealth Transportation Board to convey title of the project right of way acquired for the said projects located within the present city limits of said City to the City of Harrisonburg:**

**Adopted and approved this 27th day of July, 2004.**

---

**Mayor**

**Attest:**

---

**Clerk**

**Property Conveyance Resolution**

**WHEREAS, the Virginia Department of Transportation acquired in the name of the Commonwealth of Virginia as a part of the State Highway System and/or Secondary System of State Highways the necessary right of way for the following routes, streets and projects:**

	<b>Old Route, Name</b>	<b>Project Number</b>	<b>From</b>	<b>To</b>
(33)	W. Market St.	612-C	Old C/L	New C/L West
(33)	E. Market St.	0033-082-008, RW-1	Old C/L	New C/L East
(42)	S. High St.	0042-082-105	Old C/L	New C/L South
(11)	S. Main St.	0011-082-103, RW201 (1982) & 600 (Old 33 now 11)	Old C/L	New C/L South
(42)	Rt. 42 North	2482 – 01	Old C/L	New C/L North

**WHEREAS, the areas of the county in which the said projects were originally constructed have been annexed and are now within the City Limits of the City of Harrisonburg; and**

**WHEREAS, the said route and streets are in the said City's street system and are maintained in accordance with the standards and policies of Virginia Department of Transportation Urban Street system; and**

**THEREFORE BE IT RESOLVED that in accordance with Sections 33.1-149 and 33.1-154 of the Code of Virginia (1950), as amended, the City of Harrisonburg, Virginia requests the Commonwealth Transportation Board to convey title of the project right of way acquired for the said projects located within the present city limits of said City to the City of Harrisonburg:**

**Adopted and approved this 27th day of July, 2004.**

\_\_\_\_\_  
**Mayor**

**Attest:**

\_\_\_\_\_  
**Clerk**

City Manager Baker said adopting these resolutions establishes ownership of the right-of-way (property) on roadways located in the City. Council Member Lantz offered a motion to approve these resolutions. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Bucky Berry a resident of Harrisonburg expressed his appreciation to the Harrisonburg Police Department for their many services to the City.

City Manager Baker said that on July 1, 2004, four Council Members were appointed as City representatives to the MPO, when actually only three members needed to be appointed. Transportation Director Reggie Smith and City Manager Roger Baker were serving as the other two City representatives. Vice-Mayor Eagle offered a motion to remove Mayor Larry Rogers name from the July 1<sup>st</sup> appointment keeping the same five City representatives (three Council Members, City Manager and Transportation Director) to the MPO. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Council Member Chenault offered a motion to amend the City's ordinance reflecting that City Council motions require a second to the motion. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council. City Attorney Thumma was asked to prepare the ordinance for adoption.

Council Member Pace thanked the parents of the AAU Division II National Champions for their dedication and support.

At 8:05 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, and Harrisonburg Parks and Recreation Commission, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion also included discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:38 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 Lantz offered a motion that Michael L. Ellis, 84 Middlebrook Street, be appointed to an unexpired term on the Parks and Recreation Commission to expire on December 31, 2004. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

At 9:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

AUGUST 10, 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; Hugh J. Lantz; George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Captain Wilfong. Absent: Chief of Police Donald Harper.

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

Bucky Berry a resident of Harrisonburg complained about yard sales in the City and noted that some localities are limiting the number of yard sales a residents can have per year.

Council Member Chenault offered a motion to approve the consent agenda, the minutes and the second reading of several outstanding encumbrances at June 30, 2004. The motion was seconded by Council Member Pace, and approved with a recorded roll. The vote taken as follows:

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

Absent – None

Allison Graham, First Tee Coordinator, presented a brief overview of the First Tee Program. She said that First Tee hopes to impact the lives of youth in our community and to use golf as a means to help develop the character and leadership skills of our youth. The future vision includes participation growth, partnership growth, volunteer growth and facility growth. The target program has grown from 150 participants in 2002 to approximately 800 participants in 2004. First Tee hopes to combine its resources with other community activities.

Ceej Garison an 11-year-old rising 6<sup>th</sup> grader at Peter Muhlenberg Middle School said that he has ADHD and used to get into trouble all the time before he found out about The First Tee Program. He participated in the 2003 summer program and improved his score to a 99 on the front 9 at Heritage Oaks. The First Tee Program has helped Ceej to have more confidence especially in playing other sports. He said that he has always been a good student, but using the tips learned at the First Tee Program has helped him to: 1) Be Patient, 2) Be positive, and 3) Ask for help. Ceej said, "First Tee is a wonderful and I am excited to be a part of it for a second year. I also look forward to many more years of being taught golfing and life skills by Coach Allison and Mrs. Johns.

Matt Kardos a 15-year-old freshman at Eastern Mennonite School said that he likes the instructions given by Allison Graham and Mr. and Mrs. Johns because they have taught him the proper techniques of golf and all the rules. He said that golf teaches you to look things over from every angle rather than making a decision that you might regret. Honesty is stressed as one of the core values of The First Tee Program and it helped him at school and at home.

Sally Kardos a 12-year-old 7<sup>th</sup> grade student said all of the instructors are very bright and encouraging. They always cheer her up when she is having a bad day and if she takes a bad swing they will tell her how to fix it in a way that doesn't put her down. Golf has taught her to be positive and enjoy what she is doing no matter what happens. The life skills she has learned through First Tee Program has helped her in school to not get frustrated if she makes a mistake. She has also learned to take a calm approach with a big task that has been put in front of her. She is very happy to be part of The First Tee Program.

Seth Kardos a 10-year old entering the 4<sup>th</sup> grade student at Kaiser Elementary School said, "One thing that I like about the First Tee Program is that they have taught me many rules about golf that I didn't know before. I like being able to play golf with my brother." Golf helps me to patience on the course, at home, and at school. "I really enjoy being in the First Tee Program."

Anthony Delawder a 14-year old said that he joined the First Tee Program three years ago to learn about golf. First Tee has shown him the basics of golf like chipping, putting, and how to strike the ball. He also learned the rules of golf and what you should do in a tough situation. It showed him how to respect others and to play with good sportsmanship. First Tee has taught him how to be honest, patient, positive, and respectful. First Tee also gave him the opportunity to use the driving range and golf course for free. He also gets "birdie bucks" for being a good sportsman, which can be used to buy drinks, candy bars, and other fun stuff. He looks forward to another fun year with The First Tee Program.

Council Member Chenault commented that there are a lot of success stories in Harrisonburg and First Tee is one of them. He said Allison Graham deserves the credit for it and many people have commented to him on what a great program First Tee is.

Mayor Rogers commented on the great First Tee program and many people deserve the credit for having a vision to implement this program.

Planning and Community Development Director Turner introduced a request by Cargill Turkey Products, LLC with representation from Nextel Partners, Inc. Nextel Partners has requested a special use permit to locate communication equipment to be located on top of the feed tower at 30 Kratzer Road. The area is zoned M-1 General Industrial. The Comprehensive Plan designates this area as General Industrial. In 1999 City Council granted approval for a similar request from Triton PCS to locate six antennas on the roof of this structure. This special use permit would allow Nextel Partners to construct up to 12 panels on the top of the feed tower. The radio transmission equipment necessary for the operation of these panels would be housed in an outbuilding adjacent to this tower. Cables connecting these panels to the transmission equipment would run down the side of the tower and across an overhead connection. Mrs. Turner said that staff supports a favorable recommendation of the request with the following

conditions: 1) If the telecommunications equipment ceases to be used for more than 12 months, all equipment permitted under this special use will be removed from the building. 2) Only the equipment as shown on the submitted drawings would be approved under the issuance of this special use permit. Any equipment not shown on this drawing would be a violation making the permit null and void, causing all equipment of the company to be removed. 3) Placement of advertising of any kind is prohibited on the antennas and equipment. 4) City staff shall review the special use permit annually for compliance to the above conditions. Mrs. Turner said that Planning Commission has recommended approval of the request with these four conditions.

At 7:54 p.m., Mayor Rogers closed the regular session temporarily and called the evening public hearing to order. The following notice appeared in the Daily News-Record Monday, July 26, and Monday, August 2, 2004.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, August 10, 2004, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **SPECIAL USE PERMIT – CARGILL / NEXTEL**

**Public Hearing to consider a request by Cargill Turkey Products, LLC. with representative William Daley of Nextel Partners, Inc. for a special use permit {per Section 10-3-97 (6) of the Zoning Ordinance} to allow for communication equipment taller than 125 feet in height. The parcel is located at 30 Kratzer Road and can be found on tax map 34-B-3 and 7B.**

**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.

Todd Hersh, a resident of the City, questioned how high the three antennas would be placed on the towers. There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve the request including the four conditions as presented. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to amend the City's Building Code regulation relating to signage within the residential zoning districts of the City. She said that currently if schools, colleges, universities and hospitals are located in a

residential district they can't have a sign that is larger than 24 square feet for each main building or use. In addition, they also can only have one free standing sign for each main building or use. Because the new high school will have a lot of frontage on the property a sign 24 square feet and 6 feet in height would be rather small compared to the new facility. Mrs. Turner said that after lengthy discussion new language is being proposed to amend the ordinance. The proposed text for the sign shall be limited to a total sign area of not more than 0.5 square feet for every lineal foot of site frontage parallel to the principal street, provided no single freestanding sign exceeds an area of 200 square feet, or a maximum height of 8 feet above grade. If more than one sign of each sign type is requested, it may be permitted through presentation of a comprehensive sign package presented to and approved by City Council. Including public recreational facilities in the sign ordinance changes was discussed at a recent city staff meeting. Mrs. Turner said that she has discussed the language with the City Attorney and he will amend the language in the ordinance to include recreational facilities before the second reading.

The following discussion by Council Members included: Language in the first paragraph of the proposed additional text needed better wording, but the context was fine; whether the parameter were inclusive of the encasement around the sign or just the sign itself; or does there need to be any language in the regulation referring to the lighting; and certainly the City did not want to create an outdoor billboard at night in a residential area.

Council Member Chenault offered a motion to amend Section 11-7-4 of the City Code as proposed including City recreational facilities as another covered entity under the 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  
 Vice-Mayor Eagle  
 Council Member Chenault  
 Council Member Pace  
 Mayor Rogers

Absent – None

The next item of discussion was a request by Marty Solomon to amend the City taxi code. Mr. Solomon said that he has been providing a public service in the community since 1998. The law passed last year by City Council requiring local taxi companies to operate at least 120 hours per week will make it impossible for small cab companies to compete with larger taxi services. He said, "It's unfair and it's illegal. It is not City Council function to get involved in private enterprise protecting one business over another business. The law should be corrected eliminating operating 120 hours per week." He also insisted that since state law doesn't say anything about seatbelt usage in a taxi the City should not be allowed to pass laws stricter than state standards. He pointed out that City's buses are operating without seatbelts.

City Manager Baker said state law allows Cities, Towns, and Counties to impose and pass rules and regulations prudent to protect the health and safety of its citizens. The City Code states there must be a seatbelt provided for each passenger, it does not state that anyone has to

wear the seatbelt. It is a matter of choice for an individual. Council amended the ordinance because it is called a Certificate of Public Convenience and Necessity to insure that individuals operating taxi service in the City operate on a full time basis. Mr. Solomon is not required to work 120 hours per week because he received his certificate in 2001 before the ordinance went into effect. He is therefore exempt from the regulation until his current certificate expires in 2006.

Vice-Mayor Eagle commented several people have expressed to him that the City has a lack of cab service especially during peak operating hours. He suggested the issue should be reviewed.

Council Member Lantz commented that the intent and purpose of amending the ordinance was to provide taxi service for citizens 24 hours per day, seven days a week. The concern was that the City would have a lot of cabbies operating only a few days a week.

Council Member Chenault commented that operating 120 hours per week is a stiff requirement.

Jon Keith owner of Yellow Taxi Company said the ordinance is reasonable because it is a Certificate of Public Convenience and Necessity. He said, "What if we all decided to take the day off? What would happen then? Cities that have deregulated the cab business have gone back to regulating it because it was complete chaos." Sometimes we can't pick up the phone fast enough on weekend evenings after the bars close or during universities peak activities.

Council Member Pace commented that there are two separate issues. One is a seatbelt requirement, but the driver should not be required to mandate whether or not a passenger chooses to wear the seatbelt. Mr. Solomon is a single proprietor and this particular ordinance regulation requiring a driver to operate 120 hours a week becomes a public safety problem. Truck drivers are only allowed to drive 10 hours per day. This ordinance should be modified to include a statement referring to cab companies that have a single proprietor because of the fatigue factor.

David Briggman a resident of Rockingham County said that he has worked for cab companies and sometimes he did not get enough business during a particular day requiring him to pay the owner of the business more money than he actually made.

Council Member Chenault commented that the issue needed further study including receiving comments from the Police Chief and other localities having the same situation.

Council Member Lantz offered a motion to table this issue until the City Manager and his staff could research this matter and make a report at a future Council meeting. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Pace offered a motion to increase the City's Financial Management Policy Manual threshold for Capital Improvement items to \$30,000. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Pace offered a motion to eliminate \$15,730.86 from a “Reserve for Municipal Building and Land Fund” and return it to the General Fund’s unappropriated fund balance. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The item of business was selecting voting delegates for the Virginia Municipal League Conference scheduled for October 4-6, 2004. Vice-Mayor Eagle offered a motion naming Mayor Larry Rogers as the voting delegate and City Manager Baker as the alternate voting delegate. Assistant City Manager Kurt Hodgen was selected as a staff assistant to represent the City at the conference. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion to approve amending and re-enacting Section 2-3-1 of the Harrisonburg City Code regarding the use of Robert’s Rules of Order. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He said that this request from the City’s General Fund in the amount of \$259,533.00 would allow the School Board to employ a half-time technology specialist, a half-time testing coordinator, and an ESL literacy specialist for the high school, an ESL teacher for Stone Spring Elementary, an ESL teacher for Spotswood Elementary, a secondary ESL service

provider, and an ESL elementary specialist. The source of funding for the request would be from the unexpected state revenue for schools. The City share of the School Board budget was decreased by \$974,252.00 when those additional funds came, and the schools are requesting that \$259,533.00 be restored to enable the school board to hire these teachers.

Council Member Pace questioned whether money could be found within the existing budget before allocating any more funds to the schools for the requested six new teacher positions. He reviewed several line items in the budget and called attention to a few specific line items, which could pay for the new positions. The positions are necessary or they would not have been brought to Council attention; however, there is another source of funding other than the General Fund. He encouraged Superintendent Ford and the School Board to review the budget for the requested funding associated with this change that was anticipated, but postponed.

Following further discussion and comments, Council agreed that the School Board should proceed with the funding to employ the requested new teacher positions. If however, the funding cannot be found within the school budget then City Council would approve additional funds from either of two sources, City unappropriated funds or School Board unappropriated funds.

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 for the purchase of a pick-up truck. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$15,000 chge. to: 100031914 Recovered Costs

\$15,000 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 Lantz  
 Vice-Mayor Eagle  
 Council Member Chenault  
 Council Member Pace  
 Mayor Rogers

Absent - None

City Manager Baker presented a request to transfer funds between capital projects. He said that these funds are available, but not needed at this time for landfill closure and monitoring. Funds are needed to rebuild the recycling center. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$178,463.00 chge. to: 1310-910142-48681 City landfill monitoring

178,464.00 chge. to: 1310-910142-48684 Co landfill development & closure

\$356,927.00 approp. to: 1310-91014348685 Recycling development

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

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

Absent – None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said these funds were received from a Federal Block Grant to purchase new equipment for the department. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$23,647.00 chge. to: 1000-31010 Amount from fund balance

\$23,647.00 approp. to: 1000-310231-48211 Machinery and equipment

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

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

Absent – None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from state seized asset money to be used to purchase a fourth K-9 dog and training plus training for the existing K-9 team from a company of professional canine services. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$10,000 chge. to: 1000-31010 Amount from state asset seizure

\$4,000.00 approp. to: 1000-310231-46140 Other operating

6,000.00 approp. to: 1000-310231-45530 Training

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

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

Absent – None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from state seized asset money to be used to assist in construction of a playground at Kelly and Broad Streets. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-31010 Amount from state asset seizure

\$1,000.00 approp. to: 1000-310131-48181 Building and grounds

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

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

Abstained - Mayor Rogers

Absent – None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a Bureau of Justice grant and will be used to replace money spent on bulletproof vests. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$5,621.50 chge. to: 1000-31010 Amount from fund balance

\$5,621.40 approp. to: 1000-310231-48140 Bulletproof vests

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

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

Mayor Rogers

Absent – None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He said these funds were reimbursed by the Weed and Seed office to purchase bike uniforms. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,752.86 chge. to: 1000-31901 Recoveries/rebates

\$1,752.86 approp. to: 1000-310231-46110 uniforms

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

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

Absent – None

City Council agreed to appear in the Rockingham County Fair on Tuesday night August 17<sup>th</sup>.

Council Member Chenault commended the Harrisonburg Police Department on the “National Night Out” event and congratulated the neighborhoods that participated in the event. He also announced that the Police Department received first place in the annual law enforcement challenge, which targeted traffic enforcement.

City Manager Baker congratulated transit driver Jeremy Martin for taking first place in the 40-foot bus state competition.

Council Member Pace congratulated Fire Chief Shifflett for celebrating 35 years with the City.

At 9:21 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, and Harrisonburg Electric Commission, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion also included discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended.

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

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

Absent – None

At 10:22 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read 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.

At 10:39 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CITY CLERK

  
MAYOR

REGULAR MEETING

AUGUST 24, 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; Hugh J. Lantz; George W. Pace; Acting City Clerk Jenny Brockwell, and Chief of Police Donald Harper. Absent: City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of Supplemental Appropriations for the Police Department, Fire Department, and referring closure of a short section of Harrison Street to the Planning Commission. The motion also included amending and re-enacting Section 2-3-1 and Section 11-7-4 of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Rogers read the following letter from Massanutten Regional Library Director Phillip Hearne: On behalf of the Library Board of Trustee and the employees of the Massanutten Regional Library, please accept my thanks for the rapid and skilled response from the City to the emergency situation at the library on Monday, August 23<sup>rd</sup>. All of us here at the main library appreciate the concern and professionalism that the members of the City Management, the Fire and Police Departments and other agencies exhibited during the event of the day. Please extend our appreciation to each member of the City staff and departments who came to the library to ensure that the library was safe and secure for the staff and public.

At 7:40 p.m., Mayor Rogers called the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 9, and Monday, August 16, 2004.

## NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will receive the views of citizens regarding the proposed use of funds paid under the Local Law Enforcement Block Grant as it relates to the Harrisonburg Police Department's entire budget. At this hearing, persons shall be given an opportunity to provide written and oral views to the City Council about the Department's budget and the relation of the Grant to the entire budget.**

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

Mayor Rogers called on anyone desiring to speak for or against the local Law Enforcement Block Grant.

Police Chief Harper stated that the United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds, which will be used to purchase a forensic identification workstation. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this block grant. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by KEK, LLC to plat 12 townhouse lots on .92 acres of land with a variance to the subdivision ordinance. The property is located at 754 Ridgeville Lane and is currently zoned R-3 Multi-Family Residential. The property owner is requesting a variance to the subdivision requirement that all lots front on a public street. Mrs. Turner then reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Medium Density residential. This area became zoned R-3 during the initial zoning of land annexed into the City in 1983; however, this area had no public water and sewer and very inadequate streets. In the late 1980's, with assistance from a Community Development Block Grant, the City improved the street (although still not up to the typical City Standard) and installed water and sewer. She said the developer Jerry Scripture and the City have worked together to make some road improvements on Ridgeville Lane. The one-acre site is currently occupied by a single family home. The plan of development is to remove this structure and construct 12 townhouse units fronting on a private parking area that accesses Ridgeville Lane. She said that Planning Commission has recommended approval of the request. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, presented a brief summary of HDR's progress and accomplishments during the last quarter. He said that HDR is thankful for the support from City Council for the efforts to revitalize downtown. He also announced that the City of Harrisonburg has received a significant honor. The City has been designated as an official "Virginia Main Street Community". It is an important designation for the City and the downtown area. New signs will be erected at the gateways of Harrisonburg designating the City as a main street community. Accomplishments achieved during the last quarter includes addressing the Main Street model four components, a published newsletter, significant increase in in-kind donations, Valley 4<sup>th</sup> event, films and/or movies every Friday night during the summer, and displaying the "Virginia 2007" banner promoting tourism and events to celebrate the heritage of the area. In addition, HDR has worked with Frazier and Associates for the development of a Revitalization and Streetscape Plan, and has been creating a state and national Downtown Historic District. One of the achievements of the Economic Development Committee was working with a number of James Madison University classes to undertake feasibility studies on individual projects and also the study of a proposed downtown technology zone. He also reviewed activities of the Farmer's Market and the Downtown Parking Advisory Committee. In conjunction with the Parking Committee, JMU professor C.J. Brodrick's class will collect data on current utilization of parking resources. The class will also survey downtown business people and shoppers about their downtown parking needs and concerns. He invited everyone to a reception and awards ceremony that HDR will hold at Calhoun's Restaurant on Monday, October 4<sup>th</sup> from 5:00-7:00 p.m. HDR's vision for the future includes a beautiful downtown with a pedestrian friendly atmosphere, restored older buildings, attractive architectural new buildings, a mix of events, arts, entertainment, retail stores, professional offices, housing, government and other uses. It is hoped that it will be a vibrant city center where local heritage, and community pride are preserved and highlighted.

Fire Chief Shifflett presented the following resolution for Council's consideration.

### **RESOLUTION**

**WHEREAS, there exist many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and**

**WHEREAS, the safety and protective of citizens and property is of foremost concern to the City Council of the City of Harrisonburg; and**

**WHEREAS, the City Council desires, and Commonwealth of Virginia Statutes require, the adoption of appropriate planned protective measures;**

**THEREFORE BE IT RESOLVED that the City Council hereby adopts the City of Harrisonburg Basic Emergency Plan, dated August, 2004.**

**ADOPTED and APROVED this 24<sup>th</sup> day of August, 2004.**

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**Larry M. Rogers, Mayor of City of Harrisonburg**

**ATTEST:**

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**Clerk of City Council**

Fire Chief Larry Shifflett said that title 44 of the Code of Virginia requires that localities develop and adopt an emergency operations plan detailing the City's response and recovery from a natural or man-made disaster. The plan being submitted for Council's approval is the latest revision of the plan. Council Member Pace offered a motion to approve the resolution. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

The next item of business was a request by a Harrisonburg Downtown Fall Festival group to hold an event on September 18th. Parks and Recreation Director Foerster requested closing the section of Market Street on the North, South, and West side of Court Square from 12:00 noon until 4:00 p.m. leaving Main Street open. The festival is co-sponsored by Downtown Renaissance and Friends of Blacks Run Greenway to raise awareness of the greenway and a fund-raiser. There will be children activities, a walking tour, celebrity relays and races, food and music. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

The next item of business was a request by the Harrisonburg Children's Museum Birthday Celebration for an event to be held on Sunday, October 17<sup>th</sup> on Court Square. Economic Development Director Brian Shull requested closing Main Street from East Market to Elizabeth Street and the north half of Court Square on October 17<sup>th</sup> from 2:00 p.m. to 5:00 p.m. The Public Works, Police and Fire Departments have reviewed this request and have no objections as long as a 20-foot lane is kept open for emergency vehicles. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

The agenda item request by student organizations at James Madison University was removed and will be presented at the September 14<sup>th</sup> meeting.

The next agenda item was a request by Harrisonburg City Public Schools for a comprehensive sign package for the new high school located at 1001 Garbers Church Road. School Superintendent Ford said that Section 11-7-4 of the Harrisonburg City Code contains a provision indicating that if more than one sign is placed at a facility a sign package can be

presented to City Council. He reviewed the four signs to be considered at the new Harrisonburg High School site. Council Member Chenault offered a motion to approve the sign package request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds will be used to employ a half-time technology specialist, a half-time testing coordinator, an ESL literacy specialist for HHS, an ESL teacher for Stone Spring, an ESL teacher for Spotswood, a secondary ESL service provider, and an ESL elementary specialist. Council Member Chenault offered a motion to approve this request, and that:

\$259,533.00 chge. to: 1111-31010 School's Unappropriated Fund Balance

\$246,377.00 approp. to: 1111-111114-40610 Instruction

13,156.00 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 - Vice-Mayor Eagle  
Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was a report on Heritage Oaks Golf Course. City Manager Baker said that Heritage Oaks Golf Course has made progress in making enough revenue to meet all of the expenses. He reported that last year the golf course had a \$319,855 shortfall in its first year. This year the golf course had an \$85,330.00 shortfall in its second year. Neither year includes debt service. He said that Heritage Oaks Golf Course continues to see an increase in the number of rounds of golf played, positive comments on the appearance of the golf course, and golfers are transferring membership from other courses in the area. The First TEE program has a positive impact on the youth.

Economic Development Director Shull presented a request for a supplemental appropriation for the Economic Development Department-Harrisonburg Downtown Technology Zone. He said this request for funds would continue the growth of downtown, strengthen the partnership with JMU, and help the overall economic base and future for downtown. He then introduced Dr. James Barnes from JMU.

Dr. James Barnes, presented an overview of a technology zone planned for the downtown area. The Harrisonburg Downtown Technology Zone project germinated from joint effort between the City and James Madison University's College of Integrated Science and Technology. He said

the concept will bring IT industry into downtown Harrisonburg. It is a clustering concept of attracting companies that have five to twelve employees into existing buildings within the downtown corridor. It will provide technology suites for these technology companies. These businesses will require support services and hopefully bring in additional museums, shops, and restaurants. This concept will help generate a new economy for downtown Harrisonburg. One goal for the zone is to help keep qualified JMU students in Harrisonburg after graduation. Bringing technology in downtown Harrisonburg provides one avenue for that to occur. He reviewed the initiative to create, staff, and market the Harrisonburg Downtown Technology Zone.

Economic Development Director Shull presented a request for a supplemental appropriation for the Economic Development Department-Harrisonburg Downtown Technology Zone. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$100,000 chge. to: 1000-31010 Amount from fund balance

\$ 70,000 approp. to: 1000-810521-43100 Professional Services

30,000 approp. to: 1000-810521-43600 Advertising

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

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

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation terrorism grant for the Fire Department. He said that these funds were received from the Department of Homeland Security funds from last year's budget and need to be included in this year budget. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$179,243 chge. to: 1000-22711 Fire Department Grants

\$133,729 approp. to: 1000-350532-48213 DOJ/DEM 7 DOJ Grant

45,514 approp. to: 1000-350532-48213 DOJ/DEM 8 DOJ Grant

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

Vote: Yes - Vice-Mayor Eagle  
Council Member Chenault

Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Boys and Girls Club. He said that these monies will be used to fund a gang-prevention initiative. The program will target children at-risk of entering a gang and extracting children already in a gang. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$25,000 chge. to: 1000-31010 Amount from fund balance

\$25,000 approp. to: 1000-910411-45669 Boys and Girls Club

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

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

Absent – None

At 10:00 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 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 also included discussion concerning of a prospective business where no previous announcement has been made of business's interest in locating or expanding its facilities in the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia, 1950, and discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:30 p.m., the closed session ended and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I 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.

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

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

## 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 17<sup>th</sup> 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.

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CITY CLERK

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MAYOR

REGULAR MEETING

SEPTEMBER 28, 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; 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 thanked Mayor Rogers for getting involved with citizens of the community.

Marty Solomon requested updated information regarding operating a taxi service in the City.

City Manager Baker responded that a report will be presented to City Council once the matter is completely researched. Mr. Solomon will be notified once this item is placed on the agenda.

Vice-Mayor Eagle offered a motion to approve the consent agenda, including approval of the minutes and the second reading of Supplemental Appropriations for the Harrisonburg Downtown Renaissance, School Board and Fire Department, rezoning request by the Harrisonburg Redevelopment and Housing Authority, and closing a 4,138 square foot section of East Elizabeth Street. The motion also included amending and re-enacting Section 7-1-16, 7-2-1, 7-4-3 and 7-4-21, and enacting Chapter 5 of Title 13, Mopeds and Electric-Assisted Bicycles of the Harrisonburg City Code. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent - None

Planning and Community Development Director Turner introduced a request by Carl Berkey for the City to provide residential water connections to 74 proposed single-family homes located adjacent to Belmont Estates along the City's western border. She said that a utility application and a letter from the Director of Public Utilities stating support for this request was included in Council's packet. She said that Planning Commission has recommended approval of the request.

Council Member Pace offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Oak Crest Companies to plat 137 townhouse lots on 14.38 acres of land, zoned R-3 Multiple Dwelling Residential District, with variances to the subdivision ordinance. She said the developer has revised the plat to indicate there will be a temporary turn around at the end of the proposed Blue Stone Hills Drive extension. She reviewed the surrounding uses in the area. The City's major street plan has indicated there should be a future connection of Lucy Drive with Reservoir Street. It has also been suggested that Blue Stone Hills Drive be developed to extend over to Lucy Drive to discourage cut through traffic. She said that the R-3 zoning classification does permit townhouses as a development or as a use permitted by right. The question Council has to consider is whether the subdivision will include private streets as requested by the developer or public streets. Current R-3 regulations only require a twenty-five foot setback between the rear of a townhouse and the abutting property line. She said that 2.5 parking spaces are required for each of the townhouse units and no on street parking will be allowed on the private streets. The developer has agreed to limit occupancy of the townhouse units to families or no more than two unrelated individuals. Mrs. Turner said that Planning Commission has recommended approving the subdivision and including a condition to limit occupancy to families or no more than two unrelated individuals per unit. The City Attorney has suggested, as a matter of enforcement, the condition should become part of the covenants and restrictions with the City as a party of that particular portion. She said that the Planning Commission recommendation included the restriction on occupancy being part of the subdivision and recommended approval by a vote of 6-1.

Council Member Lantz asked what was the maximum density that could be developed on the property without the variance?

Mrs. Turner replied that the developer has not submitted a plat of the property.

Council Member Pace said that he was pleased to see a turn around at the end of the extension of Blue Stone Hills Drive. What is the possibility of installing a four-way stop sign at the corner of Deyerle Avenue and Blue Stone Hills Drive?

Mrs. Turner said installing stop signs hasn't been discussed and further discussion would be needed with the City Engineer and the Director of Public Works if Council wanted it considered.

Council Member Chenault said that it has been experience that four-way stop sign intersections probably cause more traffic hazards than they fix. He suggested placing stop signs on Blue Stone Hills Drive and leave Deyerle Avenue open to slow down some of the traffic.

Mayor Rogers said that a citizen has requested to speak before Council. This request can be permitted according to Section 2-3-3 of the Harrisonburg City Code. Council agreed to yield time to the requestor.

Dr. Rob McKearney thanked Council for allowing him to address the issue. He said he wanted to discuss issues regarding the current and future variance requests that will be reviewed by Council to allow private roads for the purpose of developing townhouse communities in Harrisonburg. He said, "I live on Pearl Lane which is adjacent to the property that is being reviewed for the variance request. I am not asking you to deny this request, but I am asking you to delay your decision until the next Council meeting so that the true impact of this decision can be evaluated. There are many factors I ask Council to carefully consider each time a request of this nature comes before them. 1) Is it supported by the Comprehensive Plan? 2) Does the current infrastructure support it? 3) What impact will this project have on our school system? 4) What are the tax implications, or revenues versus debits? 5) What are the other alternatives? 6) If anything is undesirable what means do we have legally to correct it or to change the current code to prevent similar problems in the future?" Currently there are approximately 500 new townhouses on the Planning and Council agenda involving three developments with others in the work. The Comprehensive Plan vision statement suggests creating a great place to work where there are quiet peaceful neighborhoods, beautiful and architectural landscaping. This sounds great, but once the okay is given many developers can typically do as they please without recourse. Goal seven for the vision statement is to preserve and enhance the City's natural resources and encourage development that is compatible with nature. How can a townhouse developer clear cutting 14 acres of 100-year oak trees help achieve that goal? Goal 15 states, "engage all citizens to work collaboratively in planning, developing, and promoting the City as a great place." Numerous members from the homeowners associations in the Blue Stone Hills Drive area have met with the developers twice. We know by right they can develop the property in accordance with R-3 zoning. The developer has offered many concessions and assurances in an attempt to alleviate our concerns about the impact of 137 new townhouses in our immediate neighborhood. Specific design architectural landscaping has been addressed with promises of continued corporation and following through with their plans. Our chief concern is that none of these promises are legally binding unless the Council makes them a condition upon approval of the variance. If that can't be done than I request that the City develop a plan allowing such provisions to be handled legally in the future for other developments. "I cannot speak on behalf of all of my neighbors, but I applaud the developers willingness to work with us." Many in our neighborhood would like to see it remain undeveloped. We need the City to encourage this type of planning between neighborhoods and developers and find a way to enforce specific concession and design specifications. Who will pay to upgrade Deyerle Avenue and Blue Stone Hills Drive because of all the additional traffic? The new development will need upgraded street surface, additional traffic lights, sidewalks, no parking signs, and will have an impact on the school system. Can Harrisonburg afford all these new townhomes?

Vice-Mayor Eagle said that the developer worked with the community and made some proffers that are worthwhile. He suggested that staff should review the infrastructure of the area. Vice-Mayor Eagle offered a motion to approve the request by Oak Crest Companies.

Council Member Chenault said that he appreciated Dr. McKearney remarks and comments. Council has looked very intensively at these developments and worked with the school board on it. At the last joint meeting Council held with the school board it was recognized that there might be a potential need for another school and they instructed the school board to start looking for land for a new elementary school. Some of the issues mentioned

tonight will need to be addressed at the state level before the City can address the issues locally. There is a joint meeting scheduled with the Planning Commission to discuss some of these issues and perhaps accomplish some of the goals Dr. McKearney mentioned. The Liaison Committee met with the School Board recently and some of these issues were discussed.

Mayor Rogers said that the development represents the American dream for a lot of people to own their first home.

Council Member Pace encouraged staff to have at least two stop signs at the intersection of the Blue Stone Hills Drive to slow down traffic because it is in the best interest of the public. "I was the dissenting vote at the Planning Commission meeting and my vote was not on the substance of the project, but it was a public safety issue relating to the school buses and traffic on Blue Stone Hills Drive. Council has two choices, do nothing and open up the project to apartments or agree to the request and provide the best situation that has been presented to Council."

Council Member Lantz said that Dr. McKearney has made some good points, but Council is aware the City has R-3 land. Once that property is developed there could be a possibility of more children enrolled in City schools, nevertheless, this developer is trying to work with the neighborhood.

Council Member Chenault offered a motion to second the motion made by Vice-Mayor Eagle and added an amendment to approve the request by Oak Crest Companies for the variance and he included in the motion that the developer should work with the City to place a covenant in the restrictive covenant when they are recorded in the Clerk's office to give the City some type of third party beneficiary right just as any other land owner would to enforce that specific two family unrelated covenant. Council Members approved the motion with a unanimous vote.

Planning and Community Development Director Turner introduced a request by Jared Scripture to plat 184 townhouse lots on 20.46 acres of land with a variance to the subdivision ordinance. She said this plan would have access to City streets from Goldfinch Drive and Oriole Lane. This property is currently zoned R-3, Multiple Dwelling Residential District. She reviewed the surrounding uses in the area. The proposed design would require a variance to the subdivision, which requires a variance that all lots front on a public street. All roads within the development are designed to be private streets. Parking will not be permitted along the streets. As with any development utilizing private streets, no City services such as trash pickup, snow removal, or school bus service would be provided. At the center of this development is a "village square" intended to contain public recreational space and a large gazebo. She said that the developer has informed staff that he intends to limit this number to two unrelated individuals through the neighborhood's covenants, conditions and restrictions. She said that Planning Commission has recommended approval of the request with the conditions as presented.

Council Member Lantz questioned the maximum density allowed without the granted variance.

Jerry Scripture developer for the project responded that 184 townhouse lots could be developed on the property. If condominiums or apartments were built, 280 units could be built on the property.

Council Member Chenault offered a motion to approve the request granting the variance for this subdivision including in the motion the fact that the developer would work with the City to place a covenant in the restrictive covenants when they are recorded in the Clerk's office to give the City some type of third party beneficiary right just as any other land owner would to enforce the specific two family unrelated covenant. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

The next item of business was a request by the Harrisonburg Redevelopment and Housing Authority to hold a rabies vaccination clinic on October 16<sup>th</sup>. City Manager Baker said that HRHA needed to obtain written permission from the City Council to hold a rabies vaccination clinic on October 16<sup>th</sup> at their facility. The Animal Control Officer will also attend the event to sell dog licenses. Council Member Lantz offered a motion to grant City Manager Baker permission to write a letter to HRHA authorizing the rabies vaccination clinic. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a request to grant tax-exempt status to the Harrisonburg/Rockingham Free Clinic. City Attorney Thumma advised Council that voters approved amending the State Constitution in the general election held in November 2002. This amendment allows localities to grant exemptions for either real or personal property tax exemptions. The General Assembly approved and adopted the resolution in 2003. He also advised that an ordinance needed to be adopted prior to holding a public hearing or granting the exemption. The applicant must own the property before applying for the exemption. Since the Harrisonburg/Rockingham Free Clinic will not close on the property until November, Mr. Thumma suggested adopting the ordinance in October, which would allow Council to hold a public hearing once the Free Clinic, has closed on the property. Vice-Mayor Eagle offered a motion to table this item until the first meeting in October.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received from a reimbursement grant from the Division of Motor Vehicles. The funds will be used to purchase a radar unit. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$1,262.00 chge. to: 1000-33524 DMV Grant

\$1,262.00 approp. to: 1000-310231-48111 Machinery and Equipment

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

Vote: Yes - Council Member Pace  
Council Member Lantz

Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Bucky Berry, a resident of Harrisonburg complained about flooding problems in the north end of the City due to heavy rain.

Council Member Pace said that Adelphia Cable has announced the company will divest itself of all its cable operations and cluster everything together to get potential buyers. At the end of the year there should be a new owner of the system in this area. He encouraged everyone to stay close to the situation and determine how best to proceed depending upon how the auction takes place.

Council Member Pace requested that staff provide an analysis of the General Assembly decision to place a cap on car tax and the payment of the cap being deferred until the first of July in the next fiscal year.

City Manager Baker responded the cap on car tax will not have an impact on the 2004-2005 budget and the City should receive approximately \$200,000 less in revenues for the 2005-2006 budget.

Council Member Chenault thanked Planning Commission, Council Member Pace, and the Community Development Department for the amount of work in preparing recommendations coming before City Council.

City Manager Baker announced that Ann Anderson, Executive Director of the SPCA, has invited City Council to tour the new facility.

City Council agreed to accept an invitation from the School Board and tour the new high school facility on October 11<sup>th</sup> at 5:30 p.m.

City Council agreed to hold a joint meeting with the Planning Commission on October 26<sup>th</sup> at 5:30 p.m.

At 8:45 p.m., Council Member Lantz 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, and Harrisonburg Electric 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 and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to

Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent - None

At 9:45 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.

At 9:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

OCTOBER 12, 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; Council Member Hugh J. Lantz; George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Mayor Rogers announced that a request to use the Municipal Building for a Haunted House has been withdrawn. He also announced that a public hearing to consider a request by Betty Forkovitch has been withdrawn.

Parks and Recreation Director Forester announced that six staff members of the Parks and Recreation Department staff attended the Virginia Parks and Recreation Society Annual Conference September 26-28, 2004. At the conference the Westover Skate Park received the best new facility award in the state of Virginia among Parks and Recreation agencies in the 25,000 through 50,000 population category. He said that the idea for this facility was conceived in 2002 and became a reality in 2003 and he thanked City Council for its support and encouragement.

Eliza Williams Hoover a resident of the City said the residents in the neighborhood believe the rezoning request by Betty Forkovitch would be a dangerous precedent because there are a lot of nonconforming properties throughout the City. If one request is granted how can the next request be denied. The Northeast neighborhood has been designated as a stressed and challenged neighborhood, but is changing because of the renovated Simms School, and the Weed and Seed program. She said that the residents of the neighborhood wanted to request denying any increased density in the area.

Brent Yoder, a resident of the City, said he has been an investor in the Northeast community, but also a resident during the past 10 years. He said that he lives and invests in the community and changes in zoning can be discouraging for people who believe in building up the community and taking a financial risk to make the neighborhood a better place. He presented a petition with 100 signatures supporting that the Forkovitch request be denied.

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

Vote: Yes - Council Member Lantz

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

Absent - None

Planning and Community Development Director Turner introduced a request by Hoover Penrod Law firm for a special use permit. She said that the applicant has requested that the building located at 342 South Main Street be granted a special use permit to allow a reduction in the required 10-foot side yard setback. If a special use permit is granted, the applicant will place the building's addition within 2 feet 3 inches of the property line. She reviewed the surrounding uses in the area. The proposed addition would create 1,000 square feet of office space and storage on the north side of the existing law office. The City has no plans to improve the Ash Tree Lane existing alley and staff is not concerned with allowing this structure to encroach the side yard setback along the northern property line. She said that Planning Commission has recommended approval of the request.

At 7:55 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 September 27, and Monday, October 4, 2004.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, October 12, 2004, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **SPECIAL USE PERMIT- 342 SOUTH MAIN STREET**

**Public hearing to consider a request by Hoover Penrod Law Firm for a special use permit {per Section 10-3-91 (9)} to allow for a reduction in side yard setbacks for the property located at 342 South Main Street. The property can be found on tax map 26-K-3.**

**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  
Rogers D. Baker  
City Manager**

David Penrod said that he was one of the principals in the law firm that occupies the building. He said he was available to answer questions. There being no others desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular session reconvened.

Council Member Chenault commented that this house is known as the Blair Conrad House. Mr. Conrad was one of the first great attorneys to practice in Harrisonburg. Lawrence Hoover, another great attorney, bought this house because of his respect for Mr. Conrad and desire to keep the house and its use intact. The law firm has done a tremendous job keeping the house in the same character and has always been willing to make alterations to the house rather than moving to another area. This property helps the downtown area maintain a historical stature.

Council Member Pace offered a motion to approve this 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 Lantz  
Vice-Mayor Eagle  
Council Member Chenault  
Council Member Pace  
Mayor Rogers

Absent - None

Planning and Community Development Director Turner introduced a request by Janice Scaglione to rezone 4.632 acres from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located along West Mosby Road. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Medium Density Residential. When the original request was presented to Planning Commission they were skeptical of approving a rezoning request without any assurance of what would be developed. The applicant has since resubmitted a rezoning request, this time with a proffered plan of development showing a layout of 90 dwelling units. The plan also shows two connections onto West Mosby Road that would provide ample access and traffic flow for this development. The owner and contract purchaser makes the following proffers in connection with the pending rezoning: 1) The subject property would be developed in substantial conformity to the existing property under development by contract purchaser lying directly east to the subject property along West Mosby Road for condominium units. 2) The 4.6 acre subject property would be developed for condominium units in no greater density than that shown on the preliminary master plan, which shows 90 dwelling units. She said that Planning Commission has recommended approval of the request.

At 8:01 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 September 27, and Monday, October 4, 2004.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, October 12, 2004, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

### REZONING – WEST MOSBY ROAD PROPERTY

Public hearing to consider a request by Janice Scaglione, with representative Henry Clark to rezone 4.632 acres from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located along West Mosby Road and can be found on tax map 7-A-6.

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft./unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; 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**  
**Rogers D. Baker**  
**City Manager**

Mayor Rogers called on anyone desiring to speak for or against this request.

J.R. Copper a partner in the firm contracting to purchase the property reviewed the history of the property. He said that the plan is to develop condominiums to sell individually. It will also provide another opportunity for home ownership in the City. There being no others desiring to be heard, the public hearing was declared closed at 8:08 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this rezoning request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
GENERAL OBLIGATION SOLID WASTE DISPOSAL SYSTEM  
REFUNDING BOND, SERIES 2004, OF THE CITY OF  
HARRISONBURG, VIRGINIA AND PROVIDING FOR THE  
FORM, DETAILS AND PAYMENT THEREOF**

**The City of Harrisonburg, Virginia (the “Locality”) is a public body politic and corporate and political subdivision of the Commonwealth of Virginia.**

**Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, as amended (Chapter 26, Title 15.2, Code of Virginia of 1950, as amended) (the “Act”), the Locality is authorized to contract debts and to issue, as evidence thereof, obligations payable from ad valorem taxes to be levied without limitation as to rate or amount on all property subject to taxation and a pledge of the full faith and credit of the Locality. Such obligations may be issued to refund obligations previously issued by the Locality and to pay the costs of issuing such refunding obligations.**

**On December 28, 1995, the Locality issued its \$6,000,000 General Obligation Solid Waste Disposal System Bonds, Series 1995 (the “Refunded Bonds”), the current outstanding principal balance of which is \$4,055,000. The proceeds of the Refunded Bonds were used to finance the acquisition, construction, development and equipping of an expansion (the “Project”) to the Locality’s solid waste disposal and resource recovery facility (the “Facility”) and to pay the costs of issuing the Refunded Bonds. The Locality now desires to take advantage of lower interest rates prevalent in the capital markets by issuing its General Obligation Solid Waste Disposal System Refunding Bond, Series 2004, in an original principal amount not to exceed \$4,600,000 (the “Local Bond”) to refund the Refunded Bonds maturing on October 1 in the years 2005 through 2015 and to pay the costs of issuing the Local Bond.**

**The Refunded Bonds were sold to the Virginia Resources Authority (the “VRA”). To provide funds to purchase the Refunded Bonds, the VRA issued its \$6,000,000 Solid Waste Disposal System Revenue Bonds (City of Harrisonburg) 1995 Series B (the “Refunded VRA Bonds”), the current outstanding principal balance of which is \$4,055,000.**

**The Facility is a waste-to-energy resource recovery facility. The Facility burns municipal solid waste, among other fuels, to generate steam and chilled water. The**

steam and chilled water provide heating and cooling for James Madison University's College of Integrated Science and Technology campus.

The VRA has indicated that it is willing to purchase the Local Bond from the Locality. The Locality and the VRA intend to agree that the Locality will issue, and the VRA will purchase, the Local Bond and that the proceeds of the Local Bond will be used to refund the Refunded Bonds and to pay the costs of issuing the Local Bond.

The Locality is authorized under the Act to enter into contracts and agreements to secure its bonds and notes issued under the Act and to provide for the rights of the holders thereof.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Harrisonburg, Virginia (the "Council") as follows:

1. It is hereby determined that the Locality shall contract a debt by issuing its General Obligation Solid Waste Disposal System Refunding Bond, Series 2004, in an original principal amount not to exceed \$4,600,000 (the "Local Bond") pursuant to the Act to refinance the Project by refunding the Refunded Bonds and by paying the costs of issuing the Local Bond.

The Refunded Bonds maturing on October 1, 2005 will be paid from the proceeds of the Local Bond at maturity. The Council hereby calls for the optional redemption on October 1, 2005 (the "Redemption Date") of the Refunded Bonds maturing on October 1 in the years 2006 and 2015 at a redemption price equal to 102% of the outstanding principal amount thereof plus accrued interest to the Redemption Date. The principal amount of the Local Bond does not exceed the amount necessary to retire the Refunded Bonds and to pay the costs of issuing the Local Bond.

2. After consideration of the methods of sale of the Local Bond, it is hereby determined that it is in the best interest of the Locality to accept, and the Locality does hereby accept, the offer from the VRA to purchase the Local Bond. The Local Bond is hereby sold to the VRA in accordance with the terms and provisions set forth in (A) the Financing Agreement tentatively dated November 1, 2004 (the "Financing Agreement"), between the VRA and the Locality and (B) a Local Bond Sale Agreement to be dated such date as will be specified by the VRA (the "Local Bond Sale Agreement"), between the VRA and the Locality. Forms of the Financing Agreement and the Local Bond Sale Agreement were made available to the members of the Council prior to the adoption of this Resolution. The VRA will obtain the funds to purchase the Local Bond by issuing its bonds (the "VRA Bonds").

3. The Local Bond shall be dated no later than the date of its delivery, shall be in an original principal amount not to exceed \$4,600,000, shall be issued as a registered bond without coupons, shall be numbered R-1, shall bear interest at the rates to be set forth therein, shall be subject to prepayment on the terms to be set forth therein and shall be registered initially in the name requested by the VRA, as will be provided in the Local Bond. Principal of the Local Bond shall be payable on the dates and in the amounts to be

set forth in the Financing Agreement and the Local Bond over a period not to exceed thirteen (13) years, and with a weighted average maturity of no more than seven (7) years, or such lesser period as provided in the Local Bond or the Financing Agreement. The true interest cost on the Local Bond shall not exceed 7.00% per year. The principal of and premium, if any, and interest on the Local Bond shall be payable as set forth in the Local Bond and the Financing Agreement. The Locality may, at its option, redeem, prepay or refund the Local Bond upon the terms set forth in the Financing Agreement. Interest on the Local Bond shall be computed on the basis described in the Financing Agreement and the form of the Local Bond.

Following the pricing of the VRA Bonds, the Mayor, the Vice Mayor or the City Manager of the City of Harrisonburg (the "City Manager") shall evidence his approval of the final terms and purchase price of the Local Bond by executing and delivering to the VRA the Local Bond Sale Agreement, which shall be in substantially the form made available to the members of the Council prior to the adoption of this Resolution, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the Mayor, the Vice Mayor or the City Manager. The actions of the Mayor, the Vice Mayor or the City Manager in determining the final terms and the purchase price of the Local Bond shall be conclusive, and no further action shall be necessary on the part of the Locality.

The Locality shall also pay a late payment charge as provided in the Financing Agreement if any installment of principal or interest on the Local Bond is not paid within ten days after its due date. Further, the Locality shall pay certain Supplemental Interest and other costs and expenses, as described in Article VI of the Financing Agreement. If the VRA acts under Section 11.7 of the Financing Agreement, the Locality also agrees to make the payments, including interest, described in that Section 11.7.

The Local Bond is payable as provided in the Financing Agreement in lawful money of the United States of America.

The Mayor, the Vice Mayor and the City Manager, any one of whom may act, are each hereby authorized to approve the final terms and purchase price of the Local Bond, within the parameters provided above, such approval to be evidenced conclusively by the execution of the Local Bond Sale Agreement.

4. The Local Bond will be secured by the full faith and credit of the Locality. For the prompt payment of the principal of, premium, if any, and interest on the Local Bond as the same shall become due, the full faith and credit of the Locality are hereby irrevocably pledged. Pursuant to Virginia Code Section 15.2-2624, there shall be levied and collected an annual tax upon all taxable property in the Locality subject to local taxation sufficient to provide for the payment of the principal of, premium, if any, and interest on the Local Bond as the same shall become due, which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the Locality to the extent other funds of the Locality are not lawfully available and appropriated for such purpose.

5. The Locality shall cause books for the registration and transfer of the Local Bond to be kept at the principal office of the City Manager, and the Locality hereby appoints its City Manager as its registrar and transfer agent to keep such books and to make such registrations and transfers under such reasonable regulations as the Locality may prescribe.

Upon surrender for transfer or exchange of the Local Bond at the principal office of the City Manager, the Locality shall execute and deliver in the name of the transferee or transferees a new Local Bond having an equal aggregate principal amount with the Local Bond surrendered and having the same security, subject in each case to such reasonable regulations as the Locality or the City Manager may prescribe. Any Local Bond presented for transfer, exchange or payment shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City Manager, duly executed by the registered owner or by its duly authorized attorney-in-fact or legal representative. The Local Bond may not be registered to bearer. No charge shall be made for any exchange or transfer of the Local Bond, but the Locality or the City Manager may require payment by the bondholder of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto.

The new Local Bond delivered upon any transfer or exchange shall be a valid obligation of the Locality, evidencing the same debt as the Local Bond surrendered, shall be secured by this Resolution and the Financing Agreement and shall be entitled to all of the security and benefits hereof to the same extent as the Local Bond surrendered. The City Manager shall treat the registered owner as the person exclusively entitled to the payment of principal of the Local Bond and to the exercise of all other rights and powers of the owner thereof.

6. If the Local Bond has been mutilated, lost or destroyed, the Locality shall execute and deliver a new Local Bond of like date and tenor in exchange and substitution for, and upon cancellation of, the mutilated Local Bond or in lieu of and in substitution for the lost or destroyed Local Bond; *provided* that the Locality shall so execute and deliver new a Local Bond only if the holder has paid the reasonable expenses and charges of the Locality in connection therewith and, in the case of a lost or destroyed Local Bond, (a) has filed satisfactory evidence with the Locality and the City Manager that the Local Bond was lost or destroyed and (b) has furnished to the Locality and the City Manager satisfactory indemnity.

7. The Local Bond may be in typewritten form and may be exchanged for a Local Bond in printed form if the VRA later requires that the Local Bond be in printed form. Appropriate variations, omissions and insertions may be made in the Local Bond with the approval of the Mayor or the Vice Mayor, to facilitate the printing of the Local Bond. The typewritten Local Bond surrendered in exchange for the printed Local Bond shall be canceled.

8. The Financing Agreement, the Local Bond and the Local Bond Sale Agreement shall be in substantially the forms made available to the members of the Council, which are hereby approved, with such completions, omissions, insertions and changes (including changes of dates of documents and changes necessary to evidence the final terms of the Local Bond within the parameters provided in Section 3) as may be approved by the Mayor, the Vice Mayor or the City Manager, his execution of the Local Bond Sale Agreement to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

9. The Local Bond shall bear the manual signatures of the Mayor or the Vice Mayor and the City Clerk or the Deputy City Clerk, and the Mayor, the Vice Mayor, the City Clerk and the Deputy City Clerk, and other appropriate officials of the Locality, are hereby authorized and directed to take all proper steps to have the Local Bond prepared and executed in appropriate form in accordance with Section 3, the Financing Agreement and Exhibit A thereto and to deliver the Local Bond to the VRA upon the terms set forth in the Financing Agreement.

10. The Mayor, the Vice Mayor or the City Manager, any one of whom may act, is hereby authorized and directed to execute the Financing Agreement and the Local Bond Sale Agreement and to deliver them to or for the benefit of the VRA.

11. The Mayor, the Vice Mayor, the City Clerk, the Deputy City Clerk, the City Manager and other appropriate officials of the Locality are hereby authorized to execute and deliver all other certificates, instruments and documents in the name and on behalf of the Locality, including the NonArbitrage Certificate and Tax Compliance Agreement to be dated on or before the date of the issuance of the Local Bond, between the Authority and the Locality, and to take all such further action (a) as they may consider necessary or desirable to carry out the intent and purpose of this Resolution, the issuance of the Local Bond, the refunding of the Refunded Bonds or the execution, delivery and performance of the Financing Agreement or the Local Bond Sale Agreement, or (b) as may be reasonably requested by the VRA in connection with any of the foregoing.

12. All other actions of officials of the Locality in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Local Bond, regardless of whether such actions occurred before or occur after the adoption of this Resolution, are hereby ratified, approved and confirmed.

13. The Locality hereby appoints the law firm of Troutman Sanders LLP, Richmond, Virginia, as bond counsel to supervise the proceedings and approve the issuance of the Local Bond.

14. The City Clerk or the Deputy City Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County of Rockingham, Virginia.

15. This Resolution shall be in force and effect upon the date of its approval. All other ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

Adopted: October 12, 2004

**CERTIFICATION**

The undersigned City Clerk of the City of Harrisonburg, Virginia hereby certifies (1) that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Harrisonburg, Virginia at a regular meeting duly called and held on October 12, 2004, with the City Council members present and absent and voting on the Resolution as set forth below; (2) that such meeting was duly convened and held in all respects in accordance with law; and (3) that the foregoing Resolution has not been repealed, revoked, rescinded or amended.

<u>NAME</u>	<u>ATTENDANCE</u>		<u>VOTE</u>	
	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>
Larry M. Rogers, Mayor	<u>  X  </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
Rodney L. Eagle, Vice Mayor	<u>  X  </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
Charles Chenault	<u>  X  </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
Hugh J. Lantz	<u>  X  </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
George W. Pace	<u>  X  </u>	<u>      </u>	<u>  X  </u>	<u>      </u>

**WITNESS, my hand and the seal of the City of Harrisonburg, Virginia this \_\_ day of October, 2004.**

**CITY OF HARRISONBURG, VIRGINIA**

By \_\_\_\_\_  
**Name: Yvonne Ryan**  
**Title: City Clerk**

It is requested that City Council authorize the refunding of the City's Series 1995B Solid Waste Disposal System Bonds. The savings resulting from refunding these bonds will be channeled to JMU, since they actually reimburse the City for the debt service on these bonds. JMU has agreed to pay all cost associated with this refunding and resulting debt service payments. Council Member Lantz offered a motion to approve refunding the bonds. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to consider adopting Procedures for Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002. Economic Development Director Shull said that in 2002 the Virginia General Assembly passed this Private-Public Education Facilities Act, which gives local government the opportunity to enter into private-public partnerships for being more effective in creating public use facilities in the localities. Each local government needs to adopt these procedures to take advantages of this act and be able to utilize it. Council Member Lantz offered a motion to adopt the procedures 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  
Vice-Mayor Eagle  
Council Member Chenault  
Council Member Pace  
Mayor Rogers

Absent – None

The next item of business was a request to close City streets for Generation Crossing 5K Run/Walk. City Manager Baker said that Generations Crossing has partnered with First Night to sponsor a fund raising run/walk on New Years Eve. He reviewed the route. Staff is recommending that the request be approved, but want to discuss final details and a more workable route with Generations Crossing. Council Member Pace suggested that the route be altered to avoid the feed mill schedule on a Friday afternoon for safety reasons and also that the run/walk should perhaps start prior to 3:00 p.m., to keep the area clear for First Night activities. Council Member Pace offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 16-8-51 (b) of the Harrisonburg City Code. He said the City's open container ordinance did not comply with the state law and amending the code will bring it into compliance. Council Member Chenault offered a motion to approve amending and re-enacting Section 16-8-51 (b) of the Harrisonburg City Code 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  
Vice-Mayor Eagle  
Council Member Chenault  
Council Member Pace  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance enacting Section 4-2-17 (b) of the Harrisonburg City Code. He said that this ordinance establishes guidelines for granting tax exemption for designated real property and designated personal property for certain non-profit organizations. Council Member Pace offered a motion to approve enacting Section 4-2-17 (b) of the Harrisonburg City Code for a first reading. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from the state through the Fire Program Fund and needed to be included in the Fire Department budget. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$24,666.88 chge. to: 1000-32512 Fire Programs Fund

\$24,666.88 approp. to: 1000-320232-48203 Fire Programs Fund

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

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said these funds will be used to cover the cost of consultant services for a Harrisonburg-Rockingham Train Safety Enhancement project. The City, County, and JMU entered into a partnership contract in July 2004 with Harrisonburg acting as fiscal agent. The cost of the project is divided proportionally to the amount that was originally pledged from each political entity. Harrisonburg will pay \$47,487, James Madison University will pay \$94,974 and Rockingham County will pay \$15,829.

Council Member Pace said it would be terrific to move the railroad from the current situation to another area. Conducting an engineering study would be appropriate to determine if the project

is feasible. If the railroad company is not interested in funding the ultimate cost of this engineering study and unless Federal funds are available it is a waste of City money.

City Manager Baker said the engineering firm is working very closely with the railroad company. Congressman Goodlatte has assured everyone involved that he will make Federal monies available to help move the railroad if it is shown that it is feasible.

Council Member Pace offered a motion to approve this request for a first reading, and that:

\$110,803 chge. to: 1000-31921 Reimbursement Train Safety Project  
47,487 chge. to: 1000-31010 Amount from Fund Balance

\$158,290 approp. to: 1000-410241-43100 Professional Services

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received from a reimbursement grant from the Virginia Department of Health. These funds will be used to purchase bicycle helmets. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$489.30 chge. to: 1000-33540 Health Department grant

\$489.30 approp. to: 1000-310231-46140 Other operating supplies

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

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

Absent – None

Council Member Pace said that he wanted to commend Rebecca Neal and the treasurer's staff for receiving an unqualified audit opinion on the department results for the past fiscal year. He also commended Michael York, General Manager of Harrisonburg Electric Commission, and his staff for receiving an unqualified audit opinion for the past fiscal year.

Mayor Rogers said that he has been receiving a lot of telephone calls from citizens complaining about how loud the train whistles are in the early morning. "Maybe this is something we should look into."

Assistant City Manager Hodgen stated that railroad officials have advised him that they are required by law to blow the whistle. However, if the City wanted to adopt an ordinance requiring them to not blow the whistle the City can do that, but in the absence of a City ordinance specifying that they have to blow the whistle. Engineers have told him they prefer to sound the whistle at all crossings.

Vice-Mayor Eagle questioned if there is a time limit on how long the whistle can be blown. "It seems they give it either a long blast or just a short bleep. There is no consistency to it."

Following further discussion and comments, Council directed City Attorney Thumma to prepare an ordinance to be presented at the next Council meeting.

Council Member Lantz announced that a Deer Task Force meeting will be held either November 22<sup>nd</sup> or 29<sup>th</sup>. The date will be confirmed once all members of the task force have been notified. The meeting will open to the general public.

City Council decided not to take any position on changing the date of Halloween on October 31, 2004.

City Manager Baker said an attorney has advised him that the new owner of Adelphia Cable will have to negotiate a franchise with the City.

City Manager Baker said that the cap on personal property tax will not have an effect on the City until fiscal year 2007.

City Manager Baker said that staff was asked to look at the possibility of forming a Gang Task Force, which would be similar to the Drug Task Force. It has been estimated that \$480,000 would be needed for the start-up process.

Police Chief Harper said that if a regional task force is formed between Harrisonburg and Rockingham County three people from each locality will be needed. It will cost the City \$215,858 for the start-up cost for three new investigators.

At 8:50 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 Board of Zoning Appeals, Harrisonburg Electric Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority, Building Code Board of Appeals, Parks and Recreation Commission, 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 and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent - None

At 9:20 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.

At 9:25 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR



## REGULAR MEETING

OCTOBER 26, 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; Council Member Hugh J. Lantz; George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Bucky Berry, a resident of Harrisonburg, complained about City businesses paying the same amount as County businesses to obtain a business license.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of Supplemental Appropriations for the Police Department, Fire Department and Public Works Department and adopting Procedures Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002. The motion also included a rezoning request by Janice Scaglione and amending and re-enacting Section 16-8-51 (b) and enacting Section 4-2-17 of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by D. James Shaw, II to subdivide one, 1.31-acre lot into two parcels with a variance to Section 10-2-42 (d) of the Subdivision Ordinance to allow one of the lots to not front on a public street. Mrs. Turner said that the property is located at 289 Lucy Drive and was included as part of a subdivision platted when Lucy Drive was developed in 2000. The immediate area surrounding this lot began developing when Pro Pointe Lane was created. The applicant has requested to subdivide a 1.31-acre lot into two parcels, a .459-acre lot and an .853-acre lot. Both lots would have access to Pro Pointe Lane. Water and sewer is easily accessible from Lucy Drive. Planning Commission has recommended approval of the request. Council Member Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by Kim Young to plat 81 lots on 31.79 acres of land with a variance to the Subdivision Ordinance. She said that the property is located at the terminus of Willow Hills Drive and Rex Road and this development will complete the build-out of the Willow Hills neighborhood located off of Pleasant Hill Road. She reviewed the surrounding uses in the area. The developer has indicated that lots 61 through 81 will be single-family homes since these lots adjoin the existing lots in the Willow Hills neighborhood. One of the most important impacts on this development is the creation of the Erickson Avenue Extension. This section of road, scheduled for construction within six to eight years, will be a four lane controlled access road that will provide rapid movement between the eastern and western parts of the City. Because of the controlled access nature of this roadway, street connections will be greatly limited, especially in the areas where the Erickson Connector is designed to be four lanes. Because of traffic interruption and the potential for cut-through traffic impacting the Willow Hills development, the Department of Public Works maintains their position that no connection will be allowed from this development onto the future Erickson Avenue Extension. Mrs. Turner said that currently negotiations are underway between the developer, the City and the owner of the property and the existing plat hinges on this negotiation occurring. The developer is working with the City on easements, stormwater management and the City's raw water line running to the water treatment plant. This proposed development completes the build out of this neighborhood in a sound and logical manor. The second street connection to this neighborhood would not only benefit the new homes proposed to be built, but also the existing homes that currently exceed the maximum limits for a cul-de-sac community. The developer has committed the following proffers: 1) That lots 61 to 81 would be reserved for single-family homes. 2) A second entrance onto Pleasant Hill road will be completed prior to 30% of the houses being built. 3) A construction entrance and road to the phase is being developed and will be built at the location of the second entrance onto Pleasant Hill Road prior to start of any houses being built. She said that Planning Commission has recommended approval of the request with the following conditions attached: 1) A second entrance will be constructed prior to any houses being built, engineer should give consideration to making a recommendation for play areas to the site plan, and that a letter of intent from the owners for single family homes adjacent to the existing Willow Hills subdivision would be submitted, and that the second entrance be completed prior to more than 30% build out of the development.

Dr. Donald Ford, a resident living at 1970 Lynne Place, reiterated that the community appreciated the Young's responses to the questions submitted by the residents of the Willow Hills subdivision regarding the subdivision. There still is a lingering concern about what happens with the retention pond and the drainage from the site. He said he hoped the developers

could address these concerns sufficiently to make certain that it doesn't adversely affect the houses near the detention pond. Space should also be designated where children can play safely.

Council Member Pace questioned who addressed the issue of places safe for children to play, Transportation Safety Commission or the Planning Staff?

Council Member Chenault said several residents of subdivision had contacted him after the Planning Commission meeting about the Willow Hills and Pleasant Hill Road issue having to deal with truck traffic and some traffic calming measures. They acknowledged that the study had been done with Mr. Williams during the past; however, they are requesting that the issue be addressed again because conditions have changed.

Council Member Pace requested that the City Manager ask the Traffic Department to meet with the residents of the subdivision to discuss some of the traffic issues. The study should capture what is going on now and envision two years from now the traffic issues.

Vice-Mayor Eagle questioned why an access to Erickson Road wasn't considered.

Planning and Community Development Director Turner reviewed some of major points discussed regarding Erickson Avenue Extension.

Bobby Juhasz a resident of the Willow Hills neighborhood presented pictures of existing houses, parking, and traffic.

Council Member Chenault offered a motion to approve a request by the Young's for a variance to the Subdivision Ordinance. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by George C. Wilson to plat 139 lots on 14.4 acres of land with a variance to the Subdivision Ordinance. She said the site located on Old Furnace is zoned R-4, Planned Unit Residential District. The Comprehensive Plan designates this area as Medium-Density Residents. She reviewed the surrounding uses in the area. The applicant has requested to preliminarily plat 139 townhouses as part of the proposed Old Furnace Manor development. The townhouses would be subdivided to allow for individual lot ownership. Access to this development would come from two entrances along Old Furnace Road. The entrance closest to Vine Street would line up with an existing entrance across the street that provides access to another apartment complex. As part of this project, Old Furnace Road would be improved, creating an additional lane for vehicles, bike

lanes, and a five-foot sidewalk down the south side of this road closest to the proposed townhouse community. Common area lots are proposed within this development to allow for three designated recreational sites and stormwater management. All of the townhouse units in this development will have single car garages. Each unit would also have two external parking spaces. Additional parking would be located at various points throughout the development. She said that Planning Commission has recommended approving the subdivision with the condition to limit occupancy to no more than two unrelated individuals per unit.

Vice-Mayor Eagle offered a motion to approve the request granting the variance as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

**RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY RESIDENTIAL RENTAL HOUSING BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 156 UNIT COLD HARBOR GARDENS MULTI-FAMILY HOUSING FACILITY LOCATED IN HANOVER COUNTY, VIRGINIA**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and,**

**WHEREAS, the Authority considered the request of Cold Harbor Associates, LLC, a Virginia limited liability company, whose principal business address is 378 Main Street, Suite 9, East Greenwich, Rhode Island 02818 (the "Company"), for the issuance by the Authority of up to \$8,800,000 of its Multifamily Residential Rental Housing Revenue Bonds (Cold Harbor Gardens Project) (the "Bonds"), to finance a portion of the cost of acquiring and rehabilitating an approximately 156 unit multifamily residential rental housing project commonly known as Cold Harbor Gardens (the "Project") located at 7202 Garden Park Lane, Mechanicsville, Virginia in Hanover County, Virginia (the "County"); and,**

**WHEREAS, pursuant to Section 36-23 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Authority may exercise its powers in the territorial boundaries of the County by issuing the Bonds for the Project provided the governing body of the**

County adopts a resolution (the “Section 36-23 Resolution”) declaring there is a need for the Authority to exercise its powers within the County; and,

WHEREAS, earlier on October 26, 2004, the Authority conducted a public hearing on the issuance of the Bonds and, by adoption of a resolution (the “Official Intent Resolution”), declared its official intent to issue the Bonds to finance the Project, subject to the Board of Supervisors of the County adopting the Section 36-23 Resolution in a form satisfactory to the Authority, and recommended that the City Council of the City of Harrisonburg (the “City Council”) approve the issuance of the Bonds; and,

WHEREAS, prior to the issuance of the Bonds, the Board of Supervisors of the County will conduct a public hearing and adopt the Section 36-23 Resolution; and,

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Internal Revenue Code”), provides that the applicable elected representatives of the governmental unit issuing private activity bonds and the applicable representatives of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located, shall approve the issuance of such bonds; and,

WHEREAS, the Authority, as the issuing governmental unit, has no applicable elected representative and the City is the next highest governmental unit with such a representative; and,

WHEREAS, the members of the City Council constitute the applicable elected representatives of the City of Harrisonburg; and,

WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907; and,

WHEREAS, Virginia Code Section 15.2-4906 requires that, within sixty (60) calendar days after the public hearing, the City Council approve or disapprove the financing of any facility recommended by the Authority; and,

WHEREAS, the Authority has adopted a resolution recommending that the City Council approve the issuance of the Bonds, and a copy of the Authority's resolution approving the issuance of the Bonds, (subject to the terms set forth therein and such other terms to be agreed upon) a reasonably detailed summary of the comments, if any, expressed at the public hearing and the Fiscal Impact Statement required by Virginia Code Section 15.2-4907 have been filed with the City Council.

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

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

2. The City Council approves the issuance of the Bonds by the Authority, for the benefit of the Company, to the extent of and as required by Section 147(f) of the Internal Revenue Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, to permit the Authority to assist in the financing of the Project.

3. The approval of the issuance of the Bonds does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Company and the Bonds shall provide that neither the City of Harrisonburg nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City of Harrisonburg is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

4. In approving this resolution, the City of Harrisonburg, including its elected representatives, officers, employees and agents, shall not be liable, and hereby disclaim all liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

5. This resolution shall take effect immediately upon its adoption.

**CERTIFICATE**

The undersigned Clerk of the City Council hereby certifies that the foregoing is a true, correct and complete copy of a resolution duly adopted by a majority of the members of the Council present and voting during the meeting duly called and held on October 26, 2004, and that such resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. A summary of the members present or absent at such meeting, and the recorded vote with respect to the foregoing resolution, is set forth below:

Member Name	Present	Absent	Voting		
			<u>Yes</u>	No	Abstaining
Larry M. Rogers, Mayor	_____	_____	_____	_____	_____
Rodney L. Eagle, Vice Mayor	_____	_____	_____	_____	_____
Hugh J. Lantz	_____	_____	_____	_____	_____
Charles R. Chenault	_____	_____	_____	_____	_____
George W. Pace	_____	_____	_____	_____	_____

WITNESS my hand and the seal of the City this October 26, 2004.

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

**(SEAL)**

Harrisonburg Redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of \$8,800,000 in bonds for a project in Hanover County. The bonds will not be a debt or obligation of the City. Council Member Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented a request from the Parks and Recreation Department, Rockingham County Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 3<sup>rd</sup> at 7:00 p.m. The parade will begin at the corner of Cantrell Avenue and Main Street and continue north to Main Street to the corner of Main Street and Gay Street. Streets should be closed at 6:00 p.m. and re-opened at 9:00 p.m. These hours are extended from previous years due to the JMU Marching Dukes concert on the courthouse steps following the conclusion of the parade. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Mayor Rogers presented a request to consider waiving refuse collection fees for Mercy House. The Rockingham County Board of Supervisors will consider doing the same for landfill tipping fees that could be charged to Mercy House. Council Member Lantz offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, REGARDING THE VACATION OF A THIRTY FOOT WIDE PUBLIC UTILITY EASEMENT AND ACCEPTANCE OF A THIRTY FOOT WIDE (WATER AND SEWER ONLY) PUBLIC UTILITY EASEMENT IN SECTION THREE SOUTH MAIN COMMERCIAL PARK**

**WHEREAS, the City of Harrisonburg by deeds of easement, dated March 17, 2003 and duly of record in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in deed Book 2242, Pages 201 & 211, and as shown on plats recorded in Deed Book 2242, Pages 197 & 207, acquired a 30 foot wide general public utility easement in Section Three of South Main Commercial Park in the City of Harrisonburg, Virginia; and**

**WHEREAS, the Owner of Section Three, South Main Commercial Park is now desirous of placing public water and sewer lines within the existing 30 foot wide general public utility easement; and**

**WHEREAS, it is the policy of the City's Department of Public Utilities to have water and sewer only easements for public water and sewer lines owned by the city; and**

**WHEREAS, the Owner of Section Three, South Main Commercial Park is willing to grant water and sewer only easements within the 30 foot wide easement upon the vacation of the existing general public utility easement;**

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

- 1. That the existing 30 foot wide general public utility easement acquired by the City of Harrisonburg, by deeds of easement, dated March 17, 2003, and duly of record in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 2242, Pages 201 & 211 and as shown on plats recorded in Deed Book 2242, Pages 197 & 207, is hereby vacated.**
- 2. That the City Manager is hereby directed to accept a new 30 foot wide water and sewer only public utility easement to replace the vacated easement.**

**Approved: October 26, 2004**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE CITY COUNCIL**

City Attorney Thumma said that in 2003 a South Main Commercial Park was subdivided and a general deed of easement was prepared for the City of Harrisonburg. The developer is re-subdividing several lots on the property and desires placing public water and sewer lines within the existing 30 foot wide private drive. It is the policy of the City's Department of Public Utilities to have water and sewer placed only in easements for public water and sewer lines. The owner is willing to grant water and sewer easements. The old easement needs to be vacated and a new easement needs to be adopted. Council Member Chenault offered a motion to approve the vacation easement within Section 3 of the South Main Commercial Park and to accept the new water and sewer easement as proposed on the plat. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 13-3-3 and 13-3-7 of the Harrisonburg City Code. He presented two ordinances pertaining to sounding of locomotive horns or whistles and ringing locomotive bells. Section 13-3-3 states that no locomotive engine horn or whistle shall be sounded in the City limits except to warn persons or animals off the track or at any un-gated railroad/street crossing or unless an emergency exists. Section 13-3-3 removes this reference and does not allow the train to sound its horn at any crossing in the City unless it is warning persons or animals off the track or unless an emergency exists. He said he combined the whistle portion with the existing bell portion of the ordinance and added a new section stating that a violation will be a misdemeanor. Following further discussion and comments, Council Member Chenault offered a motion to approve amending Section 13-3-3 of the Harrisonburg City Code for a first reading. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that this funding represents unanticipated receipts from the state and Federal government, plus other funds that were not known during the budget process. No additional City dollars are required from City Council for the school division to receive these

additional funds. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$ 1,000.00 chge. to: 1111-32442 School Revenue-State  
137,011.00 chge. to: 1111-33301 School Revenue-Federal  
1,000.00 chge. to: 1111-31691 School Revenue-Other

\$131,230.00 approp. to: 1111-111114-40610 Instruction  
7,781.00 approp. to: 1111-111114-40680 Technology

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a DMV reimbursement grant for overtime and training. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$8,368.70 chge. to: 1000-33524 Federal DMV grant  
\$8,018.70 approp. to: 1000-310231-41020 Salaries/wages OT  
350.00 approp. to: 1000-310231-45530 Travel/training

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

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

Absent – None

City Manager Baker presented a request for a fireworks permit for the last football game at Harrisonburg High School on October 29, 2004. He said that City staff has reviewed the request and recommended approval of the permit request. Vice-Mayor Eagle offered a motion to approve the fireworks display. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Council Member Pace wanted it clarified that City Council agreed at the October 12<sup>th</sup> meeting that Halloween would be celebrated on Sunday, October 31, 2004.

Council Member Pace requested that Public Utilities Director Mike Collins make a presentation at a future Council meeting regarding the future issue associated with the water and sewer situation and potential investment necessary to upgrade the wastewater treatment facility to address future regulations concerning the Chesapeake Bay and potentially capping future growth in the area.

Council Member Pace requested that staff review the BPOL tax and other tax issues and the impact of businesses leaving the City. He suggested this issue be placed on a future Council agenda.

Mayor Larry Rogers suggested that another Council Planning Work Session should be scheduled. Council Members were encouraged to discuss some of the tax issues with Commissioner of Revenue June Hosaflook prior to a work session.

Council Member Chenault said that he had received a telephone call from the Commonwealth's Attorney Marsha Garst office regarding graffiti that may or may not be gang related on some of the buildings in the City. She suggested that Council adopt an ordinance requiring the removal of graffiti from private businesses.

Vice-Mayor Eagle said that he receives many telephone calls inquiring about the future of East-West Connector. He suggested placing this issue on the Council Planning Work Session agenda.

City Manager Baker presented information by Curtis Poe, Executive Director of the Harrisonburg-Rockingham Regional Sewer Authority, and announced that he will make a presentation at a future Council meeting regarding the Chesapeake Bay water quality improvement issues.

City Manager Baker said that he will present updated information regarding operating a taxi service in the City at the November 9, 2004 Council meeting.

At 8:45 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 Board of Zoning Appeals, Harrisonburg Electric Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority, Building Code Board of Appeals, Parks and Recreation Commission, 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 and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to

Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent - None

At 10:40 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.

At 10:45 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

NOVEMBER 23, 2004

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Roger Baker; Assistant City Manager Kurt Hodgen; 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. Absent: Mayor Larry M. Rogers; and City Attorney Earl Q. Thumma, Jr.

Council Member Pace gave the invocation and Vice-Mayor Eagle 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.

Arlin Raney, a resident of Harrisonburg, said arresting members of a gang is wrong and it is more helpful to provide a place for youth to go after school.

Council Member Lantz offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a Supplemental Appropriation for the Police Department, and amending and re-enacting Title 14, Chapter 1 (taxicabs) of the Harrisonburg City Code. The motion also included scheduling a public hearing on December 14, 2004 to review the Capital Improvements Program (CIP) FY 2005-2006 through FY 2009-2010. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

The next item of business was a request by the Harrisonburg Redevelopment & Housing Authority. Michael Wong, Executive Director of HRHA, said that the authority has been successful in obtaining an EDGE loan as authorized by a previous Resolution. In order to utilize the EDGE loan the existing Bridge Loan must be prepaid and a new loan created to help pay for exceeded costs associated with rock removal. Also, the City will sell the Historic Component to Lucy F. Simms, L.P. and enter into a partnership to utilize the Historic Component as a community education center. Funding for the Simms project includes the City, Boys/Girls Club, Arc Op Shop and historical tax credits.

**RESOLUTION AUTHORIZING THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY TO OBTAIN EDGE LOAN FINANCING, AGREEING TO**

**PROVIDE CITY DONATIONS TO CERTAIN CHARITABLE ORGANIZATIONS, AND AUTHORIZING THE BORROWING OF \$400,000 IN EDGE LOAN FUNDS**

**WHEREAS, the City of Harrisonburg, Virginia (the “City”), in cooperation with the Harrisonburg Redevelopment and Housing Authority (the “Authority”) has decided to assist in the construction and renovation of the Lucy F. Simms Continuing Education Center (the “Simms Center”); and,**

**WHEREAS, the Simms Center will be utilized as an education center in order to promote life-long learning and to enhance the health, safety and welfare of the citizens of the City of Harrisonburg and Rockingham County. A portion of the Simms Center known as the Historic Component shall be sold to Lucy F. Simms, L.P. pursuant to another City resolution. The new construction portion of the Simms Center (the “New Construction”) will be retained by the City; and,**

**WHEREAS, on June 22, 2004 the City passed a resolution entitled “Resolution Authorizing the Harrisonburg Redevelopment and Housing Authority to Obtain Financing in Order to Retire a Portion of City Debt and Other Matters Concerning the Lucy F. Simms Continuing Educations Center” (the “Resolution”), a copy of which is attached to this resolution (Exhibit A); and,**

**WHEREAS, the Resolution authorized the Authority to borrow \$2,700,000 (the “Bridge Loan”) from SunTrust Bank (the “Bank”) and to lend \$1,500,000 to the Boys & Girls Club of Harrisonburg and Rockingham County (the “Boys & Girls Club”), \$500,000 to the Harrisonburg-Rockingham Association for Retarded Children, Inc. (the “ARC”) and \$700,000 to Lucy F. Simms, L.P. (the “Partnership”), (collectively the “Borrowers”) for the reasons set forth in the Resolution; and,**

**WHEREAS, the Resolution provided that the City would guaranty the repayment of the Bridge Loan to the Authority, and authorized the Authority to apply for an Economic Development and Growth Enhancement loan (the “EDGE Loan”) which would provide a lower interest rate, 2.5%, than that of the Bridge Loan, 3.85%; and,**

**WHEREAS, the Authority has been successful in obtaining the EDGE Loan as authorized by the Resolution through SunTrust Bank; and,**

**WHEREAS, in order to utilize the EDGE Loan, the existing Bridge Loan financing authorized by the Resolution must be prepaid and a new loan utilizing the EDGE subsidy put into place; and,**

**WHEREAS, rock removal costs on the New Construction have exceeded \$400,000, which costs must be paid; and,**

**WHEREAS, Lucy F. Simms, L.P. (the “Limited Partnership”) will require a \$300,000 loan, instead of the \$700,000 authorized by the Resolution, leaving \$400,000 in**

**EDGE Loan funds which may be utilized to fund rock removal costs on the New Construction; and,**

**WHEREAS, substantially final forms of the following documents have been presented at this meeting: (a) Authority Note to SunTrust Bank, (b) City Guaranty Agreement, (c) Boys & Girls Club Modification Agreement, (d) ARC Modification Agreement, (e) Lucy F. Simms, L.P. Note to the Authority and (f) City Note to the Authority, (collectively the “EDGE Loan Documents”).**

**WHEREAS, the Boys & Girls Club and the ARC provide charitable services to the residents of the City of Harrisonburg and Rockingham County; and,**

**WHEREAS, pursuant to Code of Virginia section 15.2-953, the City wishes to assist the Boys and Girls Club and the ARC in their good works through donations to such organizations in order to enhance the health, safety and welfare of the citizens of the City of Harrisonburg and Rockingham County; and,**

**WHEREAS, substantially final forms of the Donation Agreement to the Boys & Girls Club and the Donation Agreement to the ARC (collectively the “Donation Agreements”) have been presented to this meeting.**

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

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

**2. The City approves of the EDGE Loan Documents as described in this resolution, which shall be in substantially the form submitted to this meeting, with such changes as may be approved by the City Manager or the Mayor.**

**3. The City authorizes the Authority to pay off the Bridge Loan and to obtain the EDGE Loan from SunTrust Bank in the maximum amount of \$2,700,000 and to lend it to the Borrowers in the amounts set forth in paragraphs 4 and 5. The maximum interest rate on the EDGE Loan will be 2.5% per annum, and the term shall be two years.**

**4. The City’s full faith and credit is irrevocably pledged to the guarantee of repayment of the EDGE Loan by the Borrowers to the Authority up to the following amounts:**

<b>A)</b>	<b>Boys &amp; Girls Club</b>	<b>\$ 1,500,000</b>
<b>B)</b>	<b>ARC</b>	<b>\$500,000</b>
<b>C)</b>	<b>Limited Partnership</b>	<b>\$300,000</b>
	<b>Total City Guarantee:</b>	<b>\$ 2,300,000</b>

5. The City authorizes and agrees to borrow \$400,000 in EDGE Loan proceeds from the Authority, and agrees to utilize such proceeds to pay for rock removal costs incurred in developing the New Construction. The City's full faith and credit is irrevocably pledged to the repayment of the City's debt to the Authority. The maximum interest rate on the loan will be 2.5% per annum, and the term of the loan is two years.

6. The City Manager and Mayor, either of whom may act, are hereby authorized and directed to execute the City Guaranty Agreement and the City Note to the Authority as described in this resolution, which shall be in substantially the form submitted to this meeting, with such changes as may be approved by the City Manager or the Mayor. The City Manager and Mayor are also authorized to take such other actions as are necessary to fulfill the City's commitments set forth in this resolution.

7. Pursuant to Code of Virginia section 15.2-953, in order to assist the Boys and Girls Club and the ARC in their good works, and in order to enhance the health, safety and welfare of the citizens of the City of Harrisonburg and Rockingham County, the City agrees to donate monies to the Boys & Girls Club and ARC over time in the amounts set forth in the Donation Agreements.

8. The City Manager and Mayor, either of whom may act, are hereby authorized and directed to execute the Donation Agreement to the Boys & Girls Club and the Donation Agreement to the ARC as described in this resolution, which shall be in substantially the form submitted to this meeting, with such changes as may be approved by the City Manager or the Mayor. The City Manager and Mayor are also authorized to take such other actions as are necessary to fulfill the City's commitments set forth in this resolution

9. The resolutions passed by the City Council on March 25, July 22, September 23, November 11 and November 25 of 2003 and June 22 of 2004 shall continue in full force and effect, as modified by this resolution.

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

**READ AND ADOPTED: November 23, 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 AUTHORIZING THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY TO OBTAIN FINANCING IN ORDER TO RETIRE A PORTION OF THE CITY DEBT AND OTHER MATTERS CONCERNING THE LUCY F. SIMMS CONTINUING EDUCATION CENTER," taken at a regular meeting of the City council held on November 23, 2004.**

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Larry M. Rogers, Mayor</b>				<b>X</b>
<b>Rodney Eagle, Vice-Mayor</b>	<b>X</b>			
<b>Charles R. Chenault</b>	<b>X</b>			
<b>Hugh J. Lantz</b>	<b>X</b>			
<b>George Pace</b>	<b>X</b>			

**Dated: November 23, 2004**

(SEAL)

\_\_\_\_\_  
**Vice-Mayor, City of Harrisonburg, Virginia**

**ATTEST:** \_\_\_\_\_  
**Clerk, City Council of the City of  
Harrisonburg, Virginia**

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the "City Council") hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on November 23, 2004, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
**Clerk, City Council of the  
City of Harrisonburg, Virginia**

**RESOLUTION OF THE CITY OF HARRISONBURG,  
VIRGINIA REGARDING THE HISTORIC COMPONENT OF  
THE LUCY F. SIMMS CONTINUING EDUCATION CENTER**

**WHEREAS, the City of Harrisonburg, Virginia (the "City"), in cooperation with the Harrisonburg Redevelopment and Housing Authority (the "Authority"), the Boys & Girls Club of Harrisonburg and Rockingham County (the "Boys & Girls Club"), and the Harrisonburg-Rockingham Association For Retarded Children, Inc. ("ARC") to assist in the renovation of the original, historic portion of the Lucy F. Simms Continuing Education Center (the "Historic Component"); and**

**WHEREAS, the City will sell the Historic Component to Lucy F. Simms, L.P. (the "Partnership") pursuant to a purchase agreement (the "City Purchase Agreement") entered into between the City and the Partnership so that the Partnership may utilize the Historic Component as a community education center in order to promote life-long**

learning and to enhance the health, safety, and welfare of the citizens of the Harrisonburg/Rockingham County community; and

WHEREAS, a portion of the purchase price of the Historic Component will be paid in the form of a promissory note by the Partnership to the City (the “Partnership Note”). Payments of principal and interest will be deferred for not more than twenty years, at which time the Partnership Note will become due and payable in full. The Partnership Note will be secured by either a vendor’s lien or a first priority deed of trust conveying the Historic Component to the named trustees (the “Deed of Trust”). The remainder of the consideration paid by the Partnership to the City is set forth in the City Purchase Agreement; and

WHEREAS, the City will have the option to purchase the Historic Component back from the Limited Partnership for fair market value pursuant to an option agreement with the Limited Partnership, (the “City Purchase Option Agreement”); and

WHEREAS, the Partnership’s general partner is Lucy F. Simms, L.C. (the “General Partner”), which owns 0.009% of the Partnership units; and

WHEREAS, the General Partner has the following members with the following membership interest percentages: the Authority, 51%; the Boys & Girls Club, 32%; and the ARC, 17%.; and

WHEREAS, the Authority is the Manager of the General Partner of the Partnership and Michael G. Wong, Executive Director of the Authority, will be vested with the Authority’s powers as Manager of the General Partner and will undertake the duties of the Manager on behalf of the Authority; and

WHEREAS, the limited partners of the Partnership and their ownership interests in the Partnership are: the Local and Historic Equity Fund of Virginia I, LLC, 99.99%; (the “Fund”) and the Virginia Affordable Housing Management Corporation, .001%; and

WHEREAS, the Fund anticipates making a capital contribution in excess of \$800,000 to the Partnership in exchange for its ownership interest in the Partnership; and

WHEREAS, the Boys & Girls Club and the ARC each will enter into lease agreements with the Partnership pursuant to which each will lease separate portions of the Historic Component for a period of nineteen years; and

WHEREAS, the Boys & Girls Club will loan \$1,500,000 to the Partnership, and the Partnership will grant the Boys & Girls Club a subordinated deed of trust conveying the Historic Component to the named trustees. In lieu of loan payments, the Partnership will credit the amount of the loan payments to the rent owed by the Boys & Girls Club; and

WHEREAS, the ARC will loan \$500,000 to the Partnership, and the Partnership will grant the ARC a subordinated deed of trust conveying the Historic Component to the

named trustees. In lieu of loan payments, the Partnership will credit the amount of the loan payments to the rent owed by the ARC; and

WHEREAS, the City also will lease space in the Historic Component pursuant to a lease agreement (the “City Lease Agreement”) with the Partnership. The Authority, Harrisonburg City School Board, and other entities or persons also may lease space in the Historic Component; and

WHEREAS, in order to induce the Fund to make its capital contribution to the Partnership, the City will guarantee the performance of the General Partner’s obligations under the Lucy F. Simms, L.P. Limited Partnership Agreement and will provide such other guarantees to the Fund all as set forth in a guarantee agreement (the “City Guarantee”) that the City will execute in favor of the Fund; and

WHEREAS, substantially final forms of the following documents have been presented at this meeting: (a) Operating Agreement of Lucy F. Simms, L.C., (b) Lucy F. Simms, L.P., Limited Partnership Agreement and (c) consent resolution of Lucy F. Simms, L.C.; and

WHEREAS, substantially final forms of the following documents also have been presented at this meeting: (a) Simms Guaranty Agreement, (b) City Lease Agreement, (c) Incumbency Certificate of the City, (d) Affidavit regarding pending actions of the City, (e) deed conveying the Historic Portion from the City to Lucy F. Simms, L.P., (f) Partnership Note, (g) Deed of Trust, (h) Cross Easement Agreement, (i) Assignment Agreement, (j) City Purchase Agreement, (k) City Purchase Option Agreement, and (l) Settlement Statement (collectively, the “City Historic Component Documents.”

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

1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.
2. The City’s full faith and credit is irrevocably pledged to the guarantees set forth in the City Guaranty.
3. The City approves the signing of the City Historic Component Documents, and authorizes and directs the City Manager, Mayor or Vice-Mayor, any of whom may act, to execute and deliver the City Historic Component Documents in substantially the form submitted to the City, with such changes and additions as may be approved by the City Manager, Mayor or Vice-Mayor.
4. The City authorizes and directs the City Manager, Mayor and Vice-Mayor, any of whom may act, to take all actions necessary to perform the tasks and achieve the objectives set forth in this resolution. Such authorization and direction includes but is not limited to: (a) effectuating the sale of the Historic Component from the City to the

Partnership, (b) taking such actions as are necessary to ensure that the City Guarantee is executed and enforceable, (c) accepting the Partnership Note as payment to the City for the Historic Component, (d) entering into the City Lease Agreement with the Partnership, (e) taking such actions and signing such documents as are needed to transfer the City's warranties and rights under the City's agreements with Lantz Construction Company and with the Troyer Group, Inc. with respect to the Historic Component, including any rights under any performance bonds or insurance agreements, to the Partnership, and (f) taking such actions as are necessary to transfer any building or other permits, including zoning or subdivision approval, to the Partnership.

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

6. The Resolutions passed by the City Council on March 25, July 22, September 23, November 11 and November 25 of 2003 and June 22 of 2004 shall continue in full force and effect, as modified by this Resolution.

This Resolution shall take effect immediately upon its adoption.

**READ AND ADOPTED: November 23, 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 OF HARRISONBURG, VIRGINIA REGARDING THE HISTORIC COMPONENT OF THE LUCY F. SIMMS CONTINUING EDUCATION CENTER," taken at a regular meeting of the City Council held on November 23, 2004:

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Larry M. Rogers, Mayor</b>				<b>X</b>
<b>Rodney Eagle, Vice-Mayor</b>	<b>X</b>			
<b>Charles R. Chenault</b>	<b>X</b>			
<b>Hugh J. Lantz</b>	<b>X</b>			
<b>George Pace</b>	<b>X</b>			

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the "City Council") hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on November 23, 2004, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

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Clerk, City Council of the  
City of Harrisonburg, Virginia

At 7:50 p.m., Vice-Mayor Eagle closed the regular session temporarily and called the evening public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, November 9, and Tuesday, November 16, 2004.

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that on Tuesday, November 23, 2004, the City Council of the City of Harrisonburg, Virginia, will conduct a public hearing in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, regarding the proposed borrowing by the City of up to \$400,000 and other matters as set forth in this notice. The general purpose of the proposed indebtedness is to provide funds to finance certain construction and capital improvement costs undertaken for the benefit of the Lucy F. Simms Continuing Education Center ("Simms Center") currently owned by the City and located at 620 Simms Avenue, Harrisonburg, Virginia 22802, together with related expenses. In addition, the City will consider entering into a guaranty agreement with Lucy F. Simms, L.P. guaranteeing the performance of certain obligations undertaken by Lucy F. Simms, L.C. in order to operate the Historic Component of the Simms Center for the benefit of the citizens of the City of Harrisonburg and Rockingham County. The maximum amount of the guaranty shall be \$3,000,000. The City will also consider a proposal for the City to enter into an agreement to provide donations to the Boys & Girls Club of Harrisonburg and Rockingham County and the Harrisonburg-Rockingham Association for Retarded Children, Inc. over time so that these organizations' charitable purposes can be continued pursuant to Code of Virginia 15.2-953. Finally, the City will consider a proposal to sell the Historic Component of the Simms Center to Lucy F. Simms, L.P. and to provide seller (City) financing to Lucy F. Simms L.P. to sell such property. The maximum amount of the seller financing provided shall be \$1,500,000.

The public hearing, which may be continued or adjourned, will be conducted at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, Harrisonburg, Virginia 22801. Interested persons may appear at such time and place and present their views.

Vice-Mayor Eagle called on anyone desiring to speak for or against this loan.

Bucky Berry, a resident of Harrisonburg, said he supported the project because his son could benefit from the Boys & Girls Club. 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 questioned if the financing for the entire project included the gymnasium financing over a the long-term loan and whether the City was responsible for the EDGE loan of \$2.7 if no fund raising was involved?

Mr. Wong said the figure was approximately \$2.4 million if the capital campaigns are unsuccessful.

Council Member Pace questioned whether the City committed \$116,000 or \$170,000 in funding to the Boys & Girls and the ARC? “Is the City responsible for repair and maintenance expenses associated with the cost of the building?”

Jason Ham, an attorney representing HRHA, said the projected cost over five years is approximately \$175,000.

Council Member Pace asked if the City would maintain ownership of the gymnasium once the two lots in the historical building were deeded to HRHA.

Council Member Chenault questioned if the \$160,000 donation to the Boys/Girls Club and ARC was a pass through entity? “It is intended for the maintenance operation?”

Council Member Pace commented that this project will expand the space available for children who are at risk and should help with a gang enforcement program.

Michael Wong said that the new construction will allow the Boys/Girls Club to expand from 100 to 400 students served daily and allow the ARC/OP Shop to expand service delivery from 15 to 50 clients daily, provide classroom space for adult education, GED training, home ownership training and financial literacy training.

Following further discussion and comments, Council Member Pace offered a motion to approve the Historic Component resolution. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

Council Member Lantz offered a motion to approve the EDGE loan resolution. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

Vice-Mayor Eagle 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 ONE COURT SQUARE PROJECT  
BEING DEVELOPED BY THE HARRISONBURG REDEVELOPMENT AND  
HOUSING AUTHORITY IN ORDER TO PROMOTE ECONOMIC DEVELOPMENT  
WITHIN THE CITY**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”), in order to promote economic development 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 further deterioration of an existing facility in the downtown area, has decided to acquire, rehabilitate and improve the property located at One Court Square in the City (the “Property”);**

**WHEREAS, it is anticipated that the Authority will borrow up to \$2,000,000 for a term of no more than 20 years at an interest rate not to exceed 7.00 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, it is anticipated that the City will work with the Authority to operate the Property as an innovation center in which space is leased to small businesses and new businesses, particularly technology-based businesses, pursuant to leases to be negotiated between the Authority and such businesses (together, the “Leases”);**

**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: rehabilitating and improving the Property; preventing the adverse social and economic conditions that can arise from further deterioration of a building in the downtown area of the City; providing affordable space to house small and new businesses, which space is**

otherwise lacking in the City; creating new jobs from the rehabilitation and improvement of the Property, from the businesses leasing space in the Property, and from other ancillary and support businesses; and creating tax revenues from the businesses rehabilitating and improving the Property, from the businesses leasing space in the Property, and from other ancillary and support businesses;

WHEREAS, to encourage the rehabilitation and improvement of the Property and its development as an innovation center, the City will enter into an agreement with the Authority (the "Support Agreement") in which the City will agree that if the revenues from the Leases and other ancillary revenues received by the Authority from the leasing and operation of the Property 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 all rights to the Property from Bill V. Neff 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 from the Property 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 \$25,000 per month for a term of twenty 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 responsibilities for operating, insuring and maintaining the Property and locating appropriate lessees, all subject to annual appropriation by the City Council. The City will work with the Authority and the Lender to devise a plan for such operations, insurance, maintenance and lease-up reasonably acceptable to all parties.

4. 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.

5. 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.

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

**READ AND ADOPTED: November 23, 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 ONE COURT SQUARE PROJECT BEING DEVELOPED BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY IN ORDER TO PROMOTE ECONOMIC DEVELOPMENT WITHIN THE CITY," taken at a regular meeting of the City Council held on November 23, 2004:

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

**Dated: November 23, 2004**

By: \_\_\_\_\_  
**Mayor or Vice Mayor,  
 City of Harrisonburg, Virginia**

(SEAL)

**ATTEST:**

\_\_\_\_\_  
**Clerk, City Council of the City of  
Harrisonburg, Virginia**

**The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the “City Council”) hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on November 23, 2004, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.**

**WITNESS my hand and the seal of the City of Harrisonburg, Virginia this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.**

\_\_\_\_\_  
**Clerk, City Council of the  
City of Harrisonburg, Virginia**

Economic Developer Director Brian Shull said technology is the focus of Harrisonburg’s economic development efforts. City Council entered into a partnership with James Madison University to achieve the goal of growing jobs and creating information technology clusters in the downtown area. As part of the partnership with JMU, a new position was created and the City contracted with the university to hire Dr. Jim Barnes as the Assistant Economic Development Director for Technology. Dr. Barnes has worked with City staff to research other technology-focused communities, helped draft a technology zone ordinance, and developed an exciting plan for a new Harrisonburg Innovation Center.

Dr. Jim Barnes gave an overview of the Harrisonburg Innovation Center. He said that the Harrisonburg Innovation Center will be the first technology center in the proposed Harrisonburg Downtown Technology Zone. The key focus is to have a center that is specialized in supporting and helping information technology companies to find creative solutions to improve corporate and national well-being. The key is being able to take innovative entrepreneurship strategies and look at business assistant models and incentives packages to be able to make this operation work. The whole key to the center is growing new jobs and strengthening the economic base of Harrisonburg by clustering information technology companies together, by partnering and networking the ones inside the building as well as partnering them with other technology companies within Harrisonburg, the state or the country. At the same time as the innovation center grows, attracting more IT companies to the City, and as synergy begins to develop, we will likely find retail stores, support services, new apartments and condominiums being located in the central business district. It will also become important for HDTZ to support Harrisonburg Downtown Renaissance in creating a 24/7/365 neighborhood within the central business district. The key behind the idea is finding the right building, put the right kind of technology in it at an affordable price, and then have it be attractive and desirable for locating IT companies in the City. We believe this building is One Court Square. There will be a management team in place that will work with the City and Economic Development Office to thoroughly review all companies that wish to become members of the Innovation Center. We will look at early stage

and semi-mature type companies, not early start-up companies. We hope some of the City's start-up companies will eventually make it downtown. We also want companies that have a great likelihood for success, have the ability to have a product in place or a service in place, have already taken off and are somewhat mature, have a good management team in place, and are experiencing steady growth. Partners and sponsors gain greater exposure in the information technology market sector, while enjoying unparalleled access to an entrepreneurial community. The community benefits from a stronger economy and a diverse economic base. Harrisonburg will offer an attractive incentive package and a good business assistance model. Monthly workshops and seminars are being planned to help companies grow. Plans are to acquire One Court Square and put the technology in place and establish the Harrisonburg Downtown Technology Zone by ordinance.

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority, said that the HRHA Board of Commissioners approved the acquisition of the One Court Square building. Currently the proposal includes \$1 million for acquisition and \$1 million for renovation costs. Modifications in the resolution allow for financial support from the City without affecting the bond service limit. The City staff will assist in marketing, leasing, and property management component of the facility. HRHA will secure financing for the project and provide project management during the renovation phase.

Council Member Pace said according to the resolution, the interest rate would not exceed 7%. "Will it really exceed 6%?"

Michael Wong responded that bids received to date have all been under 6%.

Council Member Pace asked, "Has the building been inspected?"

Mr. Wong said an informal inspection has been done, and that the owner has replaced the boiler and installed a new roof.

Council Member Lantz suggested including contingencies in the contract should something unforeseen be noticed since a formal inspection has not been done.

Council Member Lantz offered a motion to approve the resolution supporting HRHA purchasing One Court Square for development of Harrisonburg Innovation Center. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

Planning and Community Development Director Turner introduced a request by Rob Holmes to plat 32 single family homes on 12.56 acres of land zoned R-1, Single Family Residential with variances to section of the City's Design and Construction Standards Manual. She said the property is located near Wyndham Woods and Circle Drive. She reviewed the surrounding uses in the area. This property was originally platted in 1990. Planning Commission and City Council approved the preliminary plat. The first section consisted of lots fronting on Circle Drive and the Wyndham Woods area. Planning Commission approved the final plat in 1995. Because the original plat introduced in 1990 expired the applicant asked for an extension for the previously approved plat. However, between the time of the submittal of the preliminary plat and the final plat, the City adopted new design standards including the requirement that sidewalks be provided on one side of the streets created in the development. The applicant requested that this requirement be waived; however, Planning Commission did not recommend waiving the requirements and the request wasn't approved in 1995. The applicant is again requesting to develop this property. This proposed development is divided in two by Wyndham Woods Circle. The Nicholas Drive portion of this development is accessed on the western side of Wyndham Woods Circle and wraps back around to Circle Drive to the southwest. The dead-end street would contain 13 single-family home lots. She said that stormwater is a major issue for the west side of this development and stormwater management issues will be addressed at the site plan review stage. Currently there is natural drainage across this property beginning near Circle Drive and flowing to the west in the direction of the proposed Nicholas Drive. One of the variances requested is to allow the reduction in radii for the connection of Nicholas Drive and Circle Drive. She reviewed several concerns expressed by residents of the area. She said that Planning Commission has recommended approval of the request.

Council Member Pace asked to see a slide showing the existing power lines.

Mrs. Turner reviewed the power lines running across the rear of the properties.

Paul Rexrode, a resident of the City, said that he was not speaking against the proposal, but had a concern about the access issue to Hillandale Park. He said the community has been using this area for about 15 to 20 years. He encouraged the developer to dedicate a right-of-way to be used by foot traffic and bicycles.

Scott Nordstrom, a resident of the City, expressed several concerns with the development. He inquired whether the developer had conducted a traffic study and if increased traffic would impact the neighborhood. He questioned stormwater drainage on some of the lots. West Nile virus does exist in the Shenandoah Valley and everyone should be concerned about a standing body of water.

Following further discussion and comments, Council Member Lantz offered a motion to approve this request. 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

No - Council Member Pace

Absent – Mayor Rogers

The next item of business was authorizing the final contract for the emergency radio communication system. City Manager Baker said after negotiating with MA/COM, the City is ready to recommend proceeding with developing a final contract document, which will be presented at the December 14, 2004 meeting. He said the high estimate for the fixed equipment was \$16.7 million and the low estimate was \$15.3 million. The contract with MA/COM will be \$14.9 million. The high estimate for the non-fixed equipment was \$5.4 million and the low estimate was \$4.8 million. The contract with MA/COM will be \$4.2 million for a total of \$19.2 million. He said that he was confident the City would receive more grants before the system is completed. The cost split on the \$15 million is 50% for the City and 50% for the County. The City's share should be approximately \$7.5 million and for the non-fixed equipment the City's share is \$1.3 million. There is \$1.6 million in the Capital Projects Fund, which can purchase the non-fixed equipment. Mr. Baker said that Sun Trust Bank has offered a lease/purchase agreement at 3%. Because of previous bank qualified debt issued by the City there is only \$5.7 million left in this calendar year. Some of this financing will not close until after January 1st to take advantage of the bank qualified loan. It is requested that Council authorize the City Manager and City Attorney to finalize a contract with MA/COM, authorize the ordering of certain equipment in order for the process to begin prior to the completion of the contract, and authorize the City Manager and the City Attorney to finalize financing for the system to be presented at the December 14, 2004 meeting.

Council Member Pace questioned whether the annual payments of \$650,000 were for 15 years or 20 years?

City Manager Baker said that it is a 15-year lease.

Council Member Pace asked about the long-term obligation and requested that a representative from MA/COM provide a perspective on the City's annual operating expense for this system including power, repair and maintenance.

Jane Wargo said that she couldn't answer questions concerning electricity costs. She said that the yearly cost for the infrastructure cost had been built into the proposal and is guaranteed for five years. This expense will not take place until after one complete year of system acceptance.

Following further discussion and comments, Council Member Chenault offered a motion to authorize the City Manager to enter into a final contract negotiations with MA/COM in conjunction with Rockingham County and that the additional appropriation needed for the EOC Operation Center be approved. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace

Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle

Absent – Mayor Rogers

Transportation Director Reggie Smith said that on November 16<sup>th</sup> James Madison University in conjunction with the City and Holtzman Oil Company sponsored a Biodiesel Conference at the JMU Center. Approximately 300 participants attended the conference. He said he was very impressed by the quality of the speakers, information provided, and the progress being made regarding using Biodiesel. Holtzman Oil Company has plans to organize a crusher and create a Biodiesel refinery to produce approximately 3 million gallons per year. Poultry industries, local farmers and other companies will also be involved. JMU has plans for a small refinery to use all its waste vegetable fat.

The next item of business was a request to consider adopting a “Public Tree Ordinance”. Planning and Community Development Director Turner said that the Department of Agriculture and the Shenandoah Resource Conservation and Development Council have requested the City to consider applying for designation as a “Tree City USA”. Adoption of a Public Tree Ordinance setting procedures for planting, maintaining and removing public trees is a requirement for this designation. Mrs. Turner reviewed four procedures to become a “Tree City USA”, which include spending at least \$2.00 per capita on care of trees on an annual basis, have a department that is charged with the care of the public trees, have an Arbor Day observance, and adopt a public tree ordinance. The City currently uses an informal “Tree Policy Working Group” to review these types of requests from the public and from the various City departments. This group works under a “Public Tree Policy” established in 1993. It was endorsed by City Council in 1994, but never brought back to Council for adoption as an ordinance. The adoption of the draft ordinance would formalize the existing process, including creation of a committee by Council. We have had no mechanism to replace the citizen representatives of the original committee in the past, which has caused some concern from staff that the committee had evolved into a committee of only City staff. This ordinance would resolve that concern by establishing the Committee as being officially appointed by Council. Following further discussion and comments, Council Member Chenault offered a motion to adopt this ordinance for a first reading. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

The next item of business was a request to authorize the formation of a Gang Task Force. City Manager Baker requested forming a Gang Task Force to be modeled after the RUSH program. He said that the City will receive a grant to go toward the Gang Task Force and it

hasn't been determined how much of a supplemental appropriation is needed. Council Member Chenault offered a motion to authorize the City Manager to continue negotiations to form the Gang Task Force. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

The next item of business was a request to close Newman Avenue on December 5, 2004. Fire Chief Shifflett said the Fire Department wanted to close Newman Avenue, between Federal Alley and Main Street on Sunday, December 5<sup>th</sup> between 11:00 a.m. and 5:00 p.m., for a public fire prevention program. This program is the result of the desire of several downtown merchants to show appreciation of the Fire Department's activities at the recent Main Street Bar & Grill fire. The fire prevention program will also include public tours inside of the burned Main Street Bar & Grill building. Council Member Lantz offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

Council Member Lantz offered a motion to approve the cancellation of the December 28, 2004 Council meeting. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

City Manager Baker presented a request for a supplemental appropriation to pay off the Bridgewater College note. He said that in 2001, the City purchased land from Bridgewater College. This land was added to the City's parkland. Appropriating funds to this year's budget will allow the City to pay off this note early and save approximately \$20,000 over the next 18 months. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$147,831.23 chge. to: 1000-31010 Amount from fund balance

\$147,831.23 approp. to: 1000-980142-49114 Bridgewater College Note

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

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

Absent – Mayor Rogers

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds are from a recovered grant from FEMA to pay for the Fire Safety Trailer. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$56,626 chge. to: 1000-33536 FEMA Assistance to Firefighters grant

\$56,626 approp. to: 1000-320232-48113 Equipment

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

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

Absent – Mayor Rogers

Council Member Lantz said that the Deer Task Force held a meeting on November 22, 2004. He said that about 50 people attended the meeting. The Deer Task Force decided to pursue allowing bow hunters to kill deer in the Hillandale Park area in September 2005 to thin the deer herd.

At 9:50 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 Board of Zoning Appeals, Harrisonburg Electric Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority, Building Code Board of Appeals, Parks and Recreation 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 Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle

Absent – Mayor Rogers

At 10:25 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.

Council Member Chenault offered a motion to appoint Lynn A. Driver, 545 Hartman Drive, to a second term, and Michael L. Ellis, 84 Middlebrook Street, to a first term on the Parks and Recreation Commission to expire on December 31, 2008. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

Council Member Chenault offered a motion to appoint Cheryl P. Talley, 691 Maryland Avenue, to a term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2005; Elroy Miller, 1604 Hillcrest Drive, to a term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2006; and David F. Denman, 225 Betts Road, to a 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 Members present.

Council Member Chenault offered a motion that Kent Darrah, 682 Wyndham Woods Drive, be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2008. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council Members present.

Council Member Chenault offered a motion that Steven Hottle, 267 Campbell Street, Carl Wassum, 1169 Westmoreland Drive, and Craig Miller, 2821 Osceola Springs Road, be appointed to a term on the Building Code Board of Appeals to expire on November 30, 2007. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council Member present.

At 10:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR



## REGULAR MEETING

NOVEMBER 9, 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; Council Member Hugh J. Lantz; George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Council Member Chenault requested that Item #5b be removed from the consent agenda.

Council Member Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of Supplemental Appropriations for the Police Department and the School Board. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Chenault said the reason he had requested removing Item #5b, which pertains to the sounding of locomotive horns or whistles and ringing locomotive bells was because the Federal Government has issued an interim rule through the Federal Railroad Administration regarding train whistles and railroad crossings. This rule becomes final December 31, 2004 and will take precedent over all state and local regulations. The ruling allows localities the authority to establish "quiet zones" in areas with consecutive signaled gated crossings. He said that the City should qualify for several "quiet zones"; however, the General Assembly will need to establish enabling legislation before the City can establish these "quiet zones" under the new rule.

Planning and Community Development Director Turner introduced a request by Dr. Gregory S. Johnson to rezone .135 acres. She explained that the applicant has requested to rezone a vacated section of undeveloped Elizabeth Street right-of-way behind 660 East Market Street along with an adjacent small triangular shaped parcel of land. The applicant recently purchased the undeveloped right-of-way from the City. She reviewed the surrounding uses in the area. The purpose of the request is to permit Dr. Johnson to expand the current parking lot for his dental practice in the rear of the lot. The applicant has committed the following proffers:

1) Any use permitted by right in R-1 and R-2 residential districts for medical and professional offices. 2) Accessory buildings and uses clearly incidental to the above, which would include the parking lot use. 3) Expand the existing stormwater detention pond to hold additional runoff created by the new parking lot, with the approval of the City Engineer, which is already being reviewed. She said that Planning Commission has recommended approval of the request.

At 7:45 p.m., Mayor Rogers closed the regular session temporarily and called the evening public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 25, and Monday, November 1, 2004.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, November 9, 2004, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **REZONING – JOHNSON PROPERTY**

**Public hearing to consider a request by Gregory Johnson, DDS to rezone .135 acres from a closed portion of East Elizabeth Street and a small undeveloped lot of R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. These lots would then be combined with the adjacent parcel that fronts East Market Street that contains the medical office.**

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

**The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; 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. There being no one desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a presentation by Mike Collins, Director of Public Utilities, on Capital Outlay Projects. Mr. Collins introduced Mr. Tom Fitzgerald, project engineer from Wiley & Wilson. Mr. Fitzgerald reviewed the City's water system's history and pointed out that approximately 225 years ago leaders of the City realized the importance of having a reliable water source for future growth. The town council voted to approve the town's water source by utilizing water sources from the mountains west of the town after Thomas Harrison deeded Big Spring to the town in the late 1700's. That decision was followed by exploring a water source from a mountain reservoir at Rawley Springs and constructing reservoirs at Towers Street in the early 1900's. Mr. Fitzgerald reviewed modern improvements made to the City's water supply.

Public Utilities Director Collins said in 2002 the City allocated \$3 million from a revenue bond for the purpose of covering a 16 million gallon open concrete reservoir located in the City and implementing a commitment to water quality, security and reduction in the vulnerability of the water system. Mr. Collins reviewed a "Proactive 2004 Infrastructure Strategy" that incorporates all the goals originally established in the 2002 bonds. He requested reallocating funds to begin implementing an interim stage of construction strategy. In 1970 the City built a water treatment plant on Grandview Drive and connected it to the Tower Street Reservoirs, which operated 24 hours per day transferring water across the town to feed the majority of the system. After several projects in 1988, the system changed and water moved from the treatment plant to the water zones without going through the reservoirs on Tower Street. Mr. Collins reviewed construction problems with the original intent to place a cover over the existing 16 million gallon reservoir at Tower Street. Based on conditions that have changed since the bonds were issued, Mr. Collins requested Council's support of a new revised strategy that will not only meet the goals of the original project, but will be proactive in addressing the changed conditions. He asked to reappropriate \$2,711,673 in funds, plus \$2 million from fund balances to a new capital project fund that will address the new strategy. These funds, along with \$750,000 to be programmed into the next budget, will allow the interim phase of the project to begin immediately with the project being completed in the fall of 2005.

Mayor Rogers questioned how does Harrisonburg water system compare to other localities? Why is an outside organization trying to take advantage of the City's water supply?

A representative from Wiley & Wilson said the Harrisonburg's assets are tremendous and water resources are one of the primary benefits provided to the citizens of the City. A lot of money has been invested on the City water source making it very valuable. People in the private sector are interested in these resources; however, most local governments want control over its own water supply.

Tom Fitzgerald said Harrisonburg is an attractive target for outside organizations because the cost to treat water in the City is very low. The City has a high quality water source coming from the mountains into the system by gravity with very little pumping involved to get water to the majority of the consumers. The infrastructure maintenance cost and cost of delivery of water to the consumers is very low.

Council Member Pace asked what was being done to maintain security at the three different locations?

Mr. Fitzgerald replied that the tanks being designed are made of pre-stressed concrete with 12-inch walls at the base and 6 inches at the top. Fences will be installed around the tanks and the areas will be well lit. Security levels will be put in place to enhance the existing security system.

Council Member Pace asked if the ongoing maintenance expense was a issue?

Mr. Fitzgerald said concrete tanks provide lower maintenance because there is no interior painting.

Council Member Pace questioned whether three water tanks would be enough or should a fourth tank be considered.

Mr. Collins said the City has adequate water storage.

Council Member Lantz questioned the impact of the proposed funding on the future of the raw water line and it's financing? Will a rate increase be necessary?

Mr. Collins said the City has \$3.1 million of uncommitted money toward the raw water line.

Vice-Mayor Eagle questioned when would the City be able to bring water from the Shenandoah River?

Mr. Collins said the City should have a final design in the spring of 2005. He reviewed recommendations that will be submitted to the City's financial planners.

Council Member Pace asked whether any operational cost savings would be better utilized with this project.

Mr. Collins reviewed the City's water transferred from the treatment plant to the reservoirs.

Curtis Poe, Executive Director of Harrisonburg Rockingham Regional Sewer Authority (HRRSA), presented an overview on the potential impact of the proposed Chesapeake Bay clean up regulations by the State of Virginia. He said the proposed regulation affects HRRSA and will have an impact on the City's Water Quality Management Planning Regulation. This regulation was presented at the Augusta 2004 State Water Control Board meeting and establishes a load allocation for nutrients throughout the Chesapeake Bay watershed. It sets a specific poundage annual load limit for nitrogen and phosphorus for the North River Wastewater Treatment Plant. In 1999 HRRSA installed a \$5.2 million biological nutrient removal process at the North River Wastewater Treatment Plant. The goal was to reduce nitrogen concentrations from approximately 25 mg/L to 8 mg/L and phosphorus concentrations from approximately 5 mg/l to 1.5 mg/L and the project was successful in achieving that goal. However, based on more recent Chesapeake Bay Model projections, the state has indicated that much greater nutrient reductions will be required to achieve water quality standards in the Bay. The state wants HRRSA to lower nitrogen concentrations from 8 mg/L to 3.9mg/L and phosphorus concentrations from 1.5 mg/L to 0.3 mg/L. It will cost the North River Wastewater Treatment Plant \$32 million to install technology to lower the levels at the facility. He said that HRRSA has applied for a technical assistance grant from DEQ to obtain funds to conduct a preliminary engineering report. The City's share of the \$32 million will be \$21.3 million. Mr. Poe said that the proposed regulation is to lower the existing nutrients in the discharge. It will not increase the volume or the amount of the nutrients. Three effects of the proposed regulation include cost, cap on growth, and the scheduling necessary to have the facility constructed by April 2010. Many localities throughout the bay watershed will be trying to obtain engineering and construction at the same time, which could have a significant impact on cost. Mr. Poe recommended that City Council discuss this proposal with legislators regarding funding and scheduling issue. He also said that HRRSA would be looking at a long-range plan in its preliminary engineering study.

The following discussion by Council Members included: Proposed mandated regulation implements a larger capital expenditure without increasing capacity; could create a potential cap to growth in the area; correlation between plant capacity and treated water; questioned if City has plant with treatment capacity of 15 million gallons per day; whether 10.5 million gallon treatment capacity at the sewer treatment plant will effect the City's ability to basically produce enough water; whether other states had to address this concern; regulation could implement higher costs to consumers and industrial facilities, sewer treatment plant is a point source discharge, and under the percentage figures the City is only addressing 20% of the nitrogen and phosphorus problem leaving 80% from runoff and agricultural uses, which cannot be controlled by the City.

Kim Alexander, Block Grant Coordinator, presented an overview on the current year's program and the upcoming fiscal year's program schedule and process. She said two projects have been completed in the CDBG program, four projects are well underway and the remaining

projects have begun and will be applying for reimbursement. The first quarterly reports are due from all of the City Subrecipients in January 2005. Environmental reviews have been completed for each project funded and at this time, no Environmental Assessments are required. HUD regulations require that the City complete an Analysis to Impediments to Fair Housing. Ms. Alexander will be developing an RFP for this project. Approximately \$75,000 in grant funds has already been reimbursed to the City through this system and approximately \$572,00 in CDBG funds remain. CDBG information is available on the City website. She pointed out several key dates on the tentative schedule for 2005-2006 including the first public meeting in November 29, 2004, grant applications will be due January 25, 2005, and February through March projects will be presented to City Council. The annual action plan is due to HUD in May 2005. The Consolidated Plan was developed with a lot of citizen participation and consultation with various agencies and organizations throughout the City. There are significant housing related needs and non-housing community development related needs. The Consolidated Plan consists of a three year Strategic Plan and an Annual Action Plan. The Annual Action Plan determines how CDBG funding will be spent each year and how much funding each project will receive. The Strategic Plan analyzes City demographics and considers the community's goals, needs, existing services, and gaps in services.

Council Member Chenault commented that the Free Clinic hopes to build an addition to its facility during the next year and he encouraged City support for the project through the Community Development Block Grant.

City Manager Baker presented an overview on the updated taxi ordinance research. He said that 24 localities regulations were reviewed. Several localities require 24 hours 7 days per week and have a maximum number of hours an individual can drive during a 24-hour period. Most localities do not allow a driver to exceed 13 hours in a 24-hour period, require a minimum number of cabs a company can have, some require each vehicle to have a certificate, some limit the number of certificates issued according to the population of the locality. Most of the localities do not require seat belts for all customers in the cabs.

The following discussion by Council Members included: Current ordinance requires a taxicab company to operate 120 minimum hours per week; the language in current ordinance is not clear concerning operation hours; City doesn't have enough cab service operating on Thursday, Friday and Saturday nights; what is intent of current ordinance; and does the City want drivers operating more than 13 hours per day.

Following further discussion and comments, Council Member Chenault offered a motion to remove the maximum hours per week requirement, require holder of taxi certificate to operate a minimum of thirty (30) hours per week per taxicab, and add to the ordinance that no driver of a taxicab can work more than thirteen (13) hours in any twenty-four (24) hour period. The motion also included that the City Manager implement changing appropriate enforcement procedures or administrative procedures in the taxi ordinance to a Department where it would be more appropriate. 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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a DMV reimbursement grant for overtime and training. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$16,968.58 chge. to: 1000-3524 Federal DMV grant

\$16,968.58 approp. to: 1000-310231-41020 Salaries/Wages OT

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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Bucky Berry, a resident of Harrisonburg, requested better control of City vehicles being used for personal use. He also requested that the snow removal ordinance be omitted from the City Code.

Vice-Mayor Eagle introduced a request by the VFW, American Legion and the POW MIA Chapter to hold a Veteran's Day parade on Sunday, November 14<sup>th</sup> at 2:00 p.m. He said the proper application forms have been submitted, but because of a miscommunication between the three groups the request wasn't presented to City Council. Following further discussion and comments, Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Council Member Pace said that Lt. Jill Howard, Lt. Jeff Morris, FF Steve Morris, and FF Lori Dearing should be commended and recognized for their actions on September 19, 2004, when they performed life saving CPR on a patient.

Council Member Lantz announced that the Deer Population Task Force will be meeting on Monday, November 22<sup>nd</sup> at 7:00 p.m. in the Council Chambers in the Municipal Building.

Mayor Rogers announced that a “Biodiesel Conference” will be held on November 16, 2005 at 8:00 a.m. at James Madison University.

City Manager Baker announced that M/A-Com will be providing a demonstration on a possible City-County radio system on Wednesday, November 17, 2004 at 1:00 p.m. at the Rockingham County Administration office.

Assistant City Manager Hodgen said that in 2001, the City purchased land from Bridgewater College. This land was added to the City’s parkland. Appropriating funds to this year’s budget will allow the City to pay off this note early and save approximately \$20,000 over the next 18 months. City Council suggested that the note be paid off.

At 10:00 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 Board of Zoning Appeals, Harrisonburg Electric Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority, Building Code Board of Appeals, Parks and Recreation Commission, and Harrisonburg Planning Commission exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended.

At 11:10 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I 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.

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

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CITY CLERK

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MAYOR



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>

<b>Total revenues</b>	<b><u>\$6,711,864.81</u></b>
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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 9<sup>th</sup> 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 Hillandale 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 4<sup>th</sup> 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:

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

**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.

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CITY CLERK

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MAYOR

