

REGULAR MEETING

APRIL 12, 2005

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; Hugh J. Lantz and 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.

Vickie Swartz, a resident of Harrisonburg, said that the old high school building was valuable property with good athletic fields including Veterans Memorial Stadium. Both the high school and stadium have significant historical importance to the citizens of Harrisonburg. She questioned the continued push for new school buildings, which can create a large debt for the City.

Ralph Geddes, a resident of Harrisonburg, questioned what problems the City will face in 50 years.

Nancy Crider, a resident of Harrisonburg, said her real estate taxes help to pay for the never-ending school construction. She said, "Unless a fair plan can be implemented which would be a good deal for all parties concerned, I am opposed to leasing the high school building to JMU." She suggested that since JMU plans to demolish the old Anthony Seager building perhaps it could be used for classes for the JMU students.

Donna Davis, a resident of Harrisonburg, said the current high school building was not surplus property as long as students were being educated in trailers. JMU can control its growth by freezing enrollment.

Sharri Kurtz, a resident of Harrisonburg, and director of Roberta Webb Child Care Center said, "We are very disappointed that Roberta Webb Child Care Center has not been given preliminary acceptance for Community Development Block Grant (CDBG) funds for our Summer Program for school age children. We believe that CDBG funds for the Summer Program would strengthen our existing programs." RWCCC serves many low-income families in this community. During 2004, 71% of our children were in the extremely low or very low-income categories according to the Income Guidelines from the U.S. Department of Housing and Urban Development. Our Center uses a sliding fee scale based on family income. Since most of our families pay at the lower end of the scale we do depend heavily on other sources of income. Our goal is to provide a learning environment and continuity of care for low-income families. It is crucial to the well being of our community to provide programs that support working families. "We urge City Council to approve CDBG funds for the Summer Program of RWCCC for the year 2005-06."

Ann Stewart, a member of the Board of Directors for the Roberta Webb Child Care Center, Inc., said preschool education could develop a broad range of experience for children to be competent, eager, and enthusiastic learners ready for school.

Dee Huffman, a resident of Harrisonburg, said there more negative aspects than positive ones about the offer from JMU. There are things in life worth more than money.

Barry Haff, a resident of Harrisonburg, said that problem of leasing the current high school to JMU has too many financial implications on the tax payers of the City to be allowed to be terminated without a proper public disclosure of all the ramifications.

Ann Dellinger, a resident of Harrisonburg, said that she was opposed to leasing the high school to JMU.

Bucky Berry, a resident of Harrisonburg, said the City needed to get its priorities in order.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of a Supplemental Appropriation for the Sanitation Fund. 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
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Evelyn Hertzler for a special use permit. She said that the applicant has requested a special use permit to allow up to four unrelated individuals to occupy property located at 1401 College Avenue. The property is zoned R-2 Residential District. She reviewed the surrounding uses in the area. She also said that a real estate agent representing the Hertzler's had been informed incorrectly by an administrative support staff person that this house could have four unrelated individuals as a by-right use. After receiving a complaint from a neighbor, zoning staff notified the property owner that they were in violation of the occupancy limit for property in the R-2, Residential District. The Hertzler's questioned how this issue could be resolved. The Zoning Administrator offered a compromise that would allow the current students to stay in the house through the 2004-2005 academic year or apply for a special use permit to allow the unrelated individuals to continue living in the dwelling. The property owner agreed to this proposal, but has requested a permanent special use permit to allow the house to continue to be rented to up to four individuals. Staff recommends the alternate request for the special use permit to allow the students to remain in the unit until June 2006 with conditions that no other person shall be added to the lease if any of the current occupants move out of this location, and the property would then revert back to a family or two unrelated individuals. She said that Planning Commission

recommended approval of the special use permit provided that the lease expires when the current occupants leave the dwelling in June 2006 or if any of the four students leave before June 2006, no other person shall replace that individual.

At 8:16 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 Monday, March 28 and Monday, April 4, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, April 12, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT – 1401 COLLEGE AVENUE

Public hearing to consider a request from Evelyn Hertzler with representative Donald Hertzler for a special use permit {per Section 10-3-40 (7) of the Zoning Ordinance} to allow up to four unrelated individuals to occupy the home at 1401 College Avenue. The property is zoned R-2, Residential District, and can be found on tax map 51-I-10&11.

All persons interested will have an opportunity to express their views at these public hearings. Any individuals 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. There being no one desiring to be heard, the public hearing was declared closed at 8:17 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the alternate request for a special use permit to allow up to four unrelated individuals to occupy the property until June 2006 with conditions that no other person be added to the lease and if any of the current occupants move out of this location that the property would then revert back to renting to a family or two unrelated individuals. 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
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Cover Investments to rezone 12.68 acres from M-1, General Industrial District to B-2, General Business District classification. She said that the Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. A major influence on the future of this property is the creation of the Erickson Avenue Extension. Access for this property will be from Main Street and entrances off of Erickson Avenue to serve this property will be prohibited. She said that Planning Commission has recommended approval of the request.

At 8:21 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, March 28 and Monday, April 4, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, April 12, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING – 2140 SOUTH MAIN STREET

Public hearing to consider a request from Cover Investments, with representative Kathryn Eichin to rezone three parcels currently zoned M-1, General Industrial District to B-2, General Business District. The property is located at 2140 South Main Street and can be found on tax map 6-D-8, 9, & 12.

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 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 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.

All persons interested will have an opportunity to express their views at these public hearings. Any individuals 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 rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 8:22 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the request from Cover Investments to rezone these parcels from M-1, General Industrial District to B-2, General Business District. 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
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Bob & Fran L.C. and JEM Transportation to rezone five parcels totaling 17.98 acres along South Main Street from B-2, General Business District to M-1, General Industrial District. The Comprehensive Plan designates this area as General Industrial. She reviewed the surrounding uses in the area. In August of 2003, City Council approved amendments to the Zoning Ordinance that altered the permitted uses within the B-2, General Business District. Up until that time, the B-2 district allowed over the road tractors and its trailers as a special use permit in the B-2 zoning classification. With these changes to the Zoning Ordinance, the current uses on the subject parcels were made non-conforming within the B-2 zoning district. As non-conforming uses, these businesses cannot expand their operation or improve their existing facilities by more than 50 percent of the assessed value. Truck and Equipment has obtained Transport Repairs' facility and want to move it to 3620 South Main Street. This request will make these businesses in compliance with the new Comprehensive Plan. She said that Planning Commission recommended approval of the request.

At 8:26 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 Monday, March 28 and Monday, April 4, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, April 12, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING – BOB & FRAN, L.C.

Public hearing to consider a request from Bob & Fran L.C. and JEM Transportation, with representative Mark Callahan to rezone five properties totaling 17.98 acres along South Main Street from B-2, General Business District to M-1, General Industrial District. The properties are located at 3610, 3620, 3630, 3640, and 3720 South Main Street and can be found on tax map 108-A-3-7.

The Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities.

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 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.

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 individuals 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 rezoning request.

Mark Callahan, attorney with the law firm of Clark & Bradshaw, said that Bob and Fran Plecker owned the business being purchased. Since Bob Plecker passed away in October 2004, Transport Repairs has been sold and the repair facility is being moved to Truck and Equipment on South Main Street. There being no others desiring to be heard, the public hearing was declared closed at 8:27 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the request from Bob & Fran L.C. and JEM Transportation to rezone these parcels from B-2, General Business District to M-1, General Industrial District. 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
Mayor Rogers

Absent – None

City Manager Baker presented the proposed 2005-2006 budget. Pursuant to Section 60 of the City's Charter, a balanced budget is presented for the fiscal year ending June 30, 2006. In accordance with Section 15.2-2506 of the Code of Virginia, a public hearing is required to be

held at least seven (7) days prior to the adoption of the budget. It is suggested that the public hearing and first reading of the budget be held on April 12, 2005, and that the final adoption of the budget occur on April 26, 2005.

One of the major jobs of the City Manager and his staff is the preparation of the annual budget. The guiding force in developing the budget has been staff's commitment to the cost efficient delivery of services and the Principles of Continuous Improvement. The proposed budget's primary goal is to provide the citizens of Harrisonburg with unreduced services and the delivery of these services in the most cost-efficient manner practical. The review and adoption of the budget represents one of Council's most important activities.

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 service levels will remain the same. The total budget proposed budget represents a 31.1% decrease in net expenditures from the fiscal year 2005 budget as amended (5.7% increase when compared to the original 2005 budget). The significance with this budget is not what it contains, but rather with what is missing. Some of the items that had to be cut from the budgets submitted by department heads were three new fire fighters; an engineer for the Community Development and Planning Department; funds for the second phase of Port Republic Road, funds for the East Market Street Safety Improvement Project; and funds for the Reservoir Street project, all of which are needs of the departments making the request for funding.

The General Fund budget being presented is balanced with no proposed tax increases; however, about \$1.6 million from the unappropriated fund balance is required to balance the budget. On the expenditure side there are three items that increase the budget: an additional \$1.5 million being transferred to the School Fund for operating purposes; an additional \$1.1 million being transferred to the Sanitation Fund for debt service expenditures; and \$1.5 million in golf course operating and debt service expenditures. These golf course expenditures were previously reflected in the Golf Course Fund, thus do not represent new spending.

There are proposed increases in the Water, Sewer and Sanitation enterprise funds. The Water Fund rate increase of approximately 2.5% is to continue funding the installation of the raw waterline from the Shenandoah River. The Sewer Fund rate increase of approximately 3.6% is necessary to offset increasing operational contributions to the Harrisonburg-Rockingham Regional Sewer Authority. Refuse collection fees in the Sanitation Fund are proposed to increase \$2.00 per month to assist in funding the debt service on the steam plant rebuild.

The budget format is similar to prior years, with detailed explanations by fund and by major function areas in the General Fund. A number of charts and graphs have also been included in order to assist with the explanation of the budget document. Primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, ROADS AND PUBLIC UTILITIES**.

Harrisonburg's population continues to grow with a 5.6% increase. It is the highest increase in population of any City in our region except for Winchester. He mentioned several cities, which have decreased in population. The City continues to have the second lowest real estate rate at 62 cents among all independent cities. It is also proposed that any firefighter volunteer or Rescue Squad volunteer who are City residents receive one free vehicle decal.

Schools represent the largest single expenditure in the City budget. Compared to the amended 2005 budget, the School Fund has increased by approximately 8.3%. The Emergency Communications Center Fund budget includes expenditures for a full-year of operations compared to only half-year in 2005. The Central Stores Fund has increased compared to the current year. This fund accounts for the personal services and miscellaneous expenses related to the operations of the City's central stores. The City has a financial policy to maintain at least 14% of the total General Fund budget in the unappropriated fund balance.

City Manager said that a work session had been held prior to the Council meeting. He reiterated that the City has increased contributions to the schools by \$325,000, which could be a 1% equivalent in salaries. Also, \$40,000 will be used toward bike paths and an additional 1% increase will be provided for City employees for a total of a 5% pay adjustment.

At 8:45 p.m., Mayor Rogers 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 Tuesday, April 5, 2005.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2006
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 12, 2005 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>	<u>Original</u>	<u>2004-05 Amendments</u>	<u>Amended</u>	<u>2005-06 As Proposed</u>
Operating:				
General	63,006,693	749,753	63,756,446	66,062,494
School	41,758,729	808,546	42,567,275	45,995,423
Emerg Comm Center	1,045,659	-	1,045,659	2,011,876
Comm Dev Block Grant	648,000	-	648,000	613,397
Water	6,454,097	2,052,878	8,506,975	6,766,035
Sewer	6,105,568	221,157	6,326,725	6,528,657
Public Transportation	4,446,641	1,764,364	6,211,005	5,047,135
Sanitation	7,870,463	5,322	7,875,785	10,164,791
Parking Authority	246,644	-	246,644	253,991
Golf Course	1,206,533	150,000	1,356,533	-
Central Garage	671,026	-	671,026	689,775
Central Stores	60,434	-	60,434	110,832
Total Operating	<u>133,520,487</u>	<u>5,752,020</u>	<u>139,272,507</u>	<u>144,244,406</u>

Capital Projects:

General Capital Projects	2,961,333	23,246,569	26,207,902	85,000
School Capital Projects	-	11,793,356	11,793,356	-
Water Capital Projects	1,529,086	11,482,404	13,011,490	1,245,357
Sewer Capital Projects	300,000	3,052,149	3,352,149	300,000
Sanitation Capital Projects	1,521,311	5,760,515	7,281,826	897,050
Park Auth Cap Projects	<u>99,244</u>	<u>174,779</u>	<u>274,023</u>	<u>-</u>

Total Capital Proj	<u>6,410,974</u>	<u>55,509,772</u>	<u>61,920,746</u>	<u>2,527,407</u>
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Total	<u>139,931,461</u>	<u>61,261,792</u>	<u>201,193,253</u>	<u>146,771,813</u>
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Expenditures - By Funds**Operating:**

General	63,006,693	749,753	63,756,446	66,062,494
Schools	41,758,729	808,546	42,567,275	45,995,423
Emerg Comm Center	1,045,659	-	1,045,659	2,011,876
Comm Dev Block Grant	648,000	-	648,000	613,397
Water	6,454,097	2,052,878	8,506,975	6,766,035
Sewer	6,105,568	221,157	6,326,725	6,528,657
Public Transportation	4,446,641	1,764,364	6,211,005	5,047,135
Sanitation	7,870,463	5,322	7,875,785	10,164,791
Parking Authority	246,644	-	246,644	253,991
Golf Course	1,206,533	150,000	1,356,533	-
Central Garage	671,026	-	671,026	689,775
Central Stores	<u>60,434</u>	<u>-</u>	<u>60,434</u>	<u>110,832</u>

Total Operating	133,520,487	5,752,020	139,272,507	144,244,406
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Mayor Rogers called on anyone present desiring to speak for or against the proposed 2005-2006 budget.

John Whitfield, Executive Director of Blue Ridge Legal Services, requested that Council increase its contribution to BRLS by approximately \$4,800 bringing the total to \$10,019. Blue Ridge Legal Services, which is a non-profit legal aid service providing free legal assistance for

low-income people. These are low-income people having civil cases with a serious legal problem, which if it isn't addressed can turn that person's life upside down. Last year, BRLS helped 292 Harrisonburg residents with serious legal problems. He reviewed statistics regarding these cases. BRLS has a shortfall in the budget of \$54,000. Unless the shortfall is made up before the end of the fiscal year staff and services will have to be cut to avoid checks bouncing. If every locality in our service area would give us \$1.00 for every low income resident residing in the locality it would generate \$51,000 over and above what is received from the localities.

Elly Swecker, Executive Director of the Harrisonburg-Rockingham Free Clinic, said the free clinic was included in the Community Development Block Grant funding and received funding from the operation budget of the City. However, the Free Clinic is about \$1,500 short of its \$25,000 goal. She requested that Council increase the funding for the Free Clinic from \$8,500 to \$10,000.

Allison Dugan, Executive Director of the Harrisonburg-Rockingham Convention & Visitors Bureau, thanked Council for its support of CVB. The City has been investing in more than just a visitor's center. It has been investing in the future and economic development of tourism. CVB strives to maintain tourism and support hospitality in the area. There being no others desiring to be heard, the public hearing was declared closed at 8:55 p.m., and the regular session reconvened.

Council Member Chenault said, "I support the proposed FY 2005-2006 budget. I want to thank City Manager Baker, Assistant City Manager Hodgen, Department Heads and the entire City staff for putting together a budget that is tight, but efficient. This budget is very easy to understand especially when comparing it to past budgets. The City has the second lowest real estate tax rate in the state. We have a very vibrant economy primarily due to the presence of JMU and community. But, also we have a group of City employees including teachers and support staff that are doing a tremendous job of getting the job done and making a more efficient use of resources than other areas."

Council Member Lantz said Dr. Ford sent a letter to Council Members indicating that the School Board has received updated information concerning pay raises for other school divisions throughout the state of Virginia. The School Board has decided that the City school system could still remain competitive with a 5% salary increase for all employees instead of the original request of 6%. "I commend Dr. Ford and the School Board for making this decision. They are trying to maintain an excellent school system while trying to minimize the burden on the City taxpayers." The City Manager's original budget recommended a 4% salary adjustment for all City employees. Council Member Lantz offered a motion to amend the School Board budget appropriation to reflect an increase of \$325,000 to allow all school employees to receive a 5% salary increase. We should be able to fully fund the School Board with a 5% increase instead of 6%. City Council budget should reflect an increase of 5% for City employees instead of a 4% salary adjustment. This decision will keep Harrisonburg as one of the best school systems in the state and reflects an outstanding communication between the School Board and City Council. The motion also included increasing the budget by \$175,000 for a 5% increase for all City employees.

Council Member Pace said that the Planning Commission asked Community Development to form a Citizen Advisory Board to provide an update on the bicycle plan for the community. The

request also included prioritizing projects and having some money available for the first project. He said, "I attended a recent public meeting regarding the Community Development Block Grant program." There were a number of people commenting about the Roberta Webb Child Center. The City can only contribute 15% out of the total CDBG funds to community service projects. "I want to propose adding \$12,000 in the budget for the Roberta Webb Child Care Center Summer Program. Mr. Pace also said the salary increases and bike paths were discussed during the budget work session. Management also reassured City Council that the City has sufficient reserves of 14%.

Vice-Mayor Eagle offered a motion for a first reading to amend the budget by adding \$4,800 for Blue Ridge Legal Services, \$12,000 Roberta Webb Child Care Center Summer Program, \$1,500 for Free Clinic, \$40,000 for bike paths, \$325,000 for school salaries, and \$175,000 or 1% in additional salary for City employees. 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
Mayor Rogers

Absent – None

Vice-Mayor Eagle offered a motion to approve a request from the Convention and Visitors Bureau to close Main Street from the World War I memorial to Elizabeth Street, Elizabeth Street between Main and Liberty and Liberty Street from Elizabeth Street to the World War I memorial for the Tour of Shenandoah bicycle race on April 27, 2005. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a presentation by the Rockingham County Fair Association. Mark Callahan a member of the Fair Association Board requested \$50,000 for capital improvements. He said that approximately two years ago the Fair Association created a master plan. It is a very extensive document noting that the fair needs to update and expand its current fair facility. Renovations have begun on the barns and office. Electrical upgrade is the next step in the master plan. Rockingham County has committed \$50,000 (50%) of the project. Mr. Callahan reviewed the building grounds chart including many events held at the fair, 264,812 visits and 3,219 rooms reserved in hotels/motels in Harrisonburg for these events. Rockingham County only has one small motel and not a lot of opportunity for visitors to spend money in the county. Mr. Callahan said this is a one-time capital improvement request. Following further discussion and comments, City Manager Baker recommended providing the funding out of this year's budget rather than placing this request of \$50,000 in next year's budget. The funding can be taken from the unappropriated fund balance. Staff will have a recommendation at the next Council meeting.

City Manager Baker presented the following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, REGARDING THE ADOPTION OF THE
NATIONAL INCIDENT MANAGEMENT SYSTEM**

**ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF HARRISONBURG, VIRGINIA, HELD AT 7:30 P.M., ON APRIL 12, 2005:**

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size of complexity; and

WHEREAS, the collective input and guidance from all Federal, State and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the City's ability to utilize Federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various City incident management activities, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

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

That the National Incident Management System (NIMS) is established as the City standard for incident management.

Approved: April 12, 2005

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Fire Chief Shifflett said the Federal government now requires formal adoption of the National Incident Management System (NIMS) as the system to be used by local government for managing all types of disaster situations. NIMS is an ingrained system that can function for any disaster including flood, tornado, hurricane, or terrorist event. The purpose of the system is to allow an easy transition from dealing with a disaster that needs only local resources or one that might involve state and Federal resources. Adoption of the NIMS, by resolution, is a requirement for all local governments to remain eligible for Homeland Security funds. Council Member Lantz offered a motion to adopt the resolution recognizing NIMS as the system used to manage disaster and terrorism incidents. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a presentation on an early defibrillation program. Fire Chief Shifflett said that the Fire Department has been involved in an Automated External Defibrillator program. The defibrillator is a small, lightweight device that evaluates a person's heart rhythm through special pads placed on the chest, and can detect sudden cardiac arrest and defibrillate (shock the heart back into rhythm) in necessary. AEDs are designed for use by lay rescuers or first responders. An AED is simple to use and can save lives even when used by someone who has no formal training on the device. Lieutenant Bill Street gave a brief demonstration of the AED device.

Council Member Pace offered a motion that Council appoint Mike Collins, to the Environmental Quality Committee, Lester Seal, to the Finance Committee, Roger Baker and Earl Thumma, 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 seconded by Council Member Chenault, and approved with a unanimous vote of Council.

A request has been made to remove Agenda Item #15 to adjust the budget for fiscal year 2004-2005 for repairs to the municipal building.

City Manager Baker presented a request to transfer funds received from Homeland Security. These funds will be used to purchase security equipment at the water treatment plant facility. Council Member Pace offered a motion to approve this request, and that:

\$25,800.00 chge. to: 1321-34210 Transfer from General Fund

\$25,800.00 approp. to: 1321-910161048628 WTP Expansion Project

\$25,800.00 chge. to: 1000-350532-48213 Equipment

\$25,800.00 approp. to: 1000-990111-49243 Transfer to Water Capital Projects Fund

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
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said these funds were provided by the state to purchase rescue equipment. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$42,857 chge. to: 1000-32512 Fire Programs Fund
\$42,857 approp. to: 1000-320232-48113 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
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Fire Chief Larry Shifflett thanked City Council for increasing City employee's salaries to 5% in the budget.

Police Chief Harper presented a request for a supplemental appropriated for the Police Department. These funds will be used to begin a Gang Task Force. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$38,430.00 chge. to: 1000-31010 Amount from Fund Balance
\$38,100.00 approp. to: 1000-310531-48251 Motor Vehicles & Equipment
1,330.00 approp. to: 1000-310531-46110 Uniforms
3,500.00 approp. to: 1000-310531-48272 Hardware
1,500.00 approp. to: 1000-310531-48211 Machinery & 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
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Police Chief Harper thanked City Council for increasing City employee's salaries to 5% in the budget.

Police Chief Harper presented a request for a supplemental appropriated for the Police Department. He said that these funds were received from the state asset seizure fund and will be used to purchase training equipment, furniture, weapons for auxiliary officers, and new software. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$20,000.00 chge. to: 1000-31010 Amount from fund balance
\$ 3,900.00 approp. to: 1000-310131-48211 Machinery and equipment
1,600.00 approp. to: 1000-310231-48211 Machinery and equipment
7,000.00 approp. to: 1000-310131-48221 Furniture and fixtures
1,500.00 approp. to: 1000-310231-46100 Police equipment
6,000.00 approp. to: 1000-310431-48273 Software

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
Mayor Rogers

Absent – None

School Board Chairman Tim Lacey thanked City Council for fully funding the School Board budget.

Vice-Mayor Eagle announced that Harrisonburg is officially a Tree City USA.

Council Member Pace said that he attended the Traffic Safety Committee meeting. Citizens of the City are giving many volunteer hours to serve on various commissions, committees and boards. Mr. Pace thanked all of the citizens who volunteer to serve.

Assistant City Manager Hodgen announced that Harrisonburg has received an Edward Byrne Memorial Justice Assistance Grant (JAG) from the Department of Justice in the amount of \$24,781.00. He provided a program narrative on how the City will utilize the funds.

Council Member Lantz reported that at a recent Deer Task Force meeting it was decided not to hold an Urban Archery Season in the City. He said the Police Department has recommended using its Swat Team to eliminate some of the deer herd.

At 10:00 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 Community College Board of Trustees, Social Services Advisory Board, Shenandoah Valley Partnership-Board of Directors, Industrial Development Authority, and Community Services (Chapter 10) Board, 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. 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
Mayor Rogers

Absent – None

At 11:30 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 11:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

