

REGULAR MEETING
JANUARY 8, 1991

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on December 18, 1991, approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of December, 1990.

From the Police Department - A report of costs and fines collected - \$3,439.00; cash collected from street parking meters - \$7,212.89; total cash collected and paid on accounts and turned over to the City Treasurer - \$10,651.89.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of December, 1990, in the amount of \$186.53.

From the Utility Billing Department - a report of water, sewer and refuse accounts; meters read; installations; cut delinquents; complaints; rereads, etc. for the month of December, 1990.

✓ City Manager Milam presented for Council's consideration a request from Roger Williams, Attorney for Sheryl Wyse, to rezone 3.109 acres located on the east side of Virginia Avenue from R-3 to B-2; and a request from Michael D. Beckler, Attorney for The Valley Church of Christ, to rezone 3.496 acres located on the east side of Virginia Avenue from R-3 to B-2. Vice Mayor Rhodes offered a motion that the two rezoning requests be referred to the Planning Commission. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Mr. R. Mitchell Slaymaker speaking on behalf of the Harrisonburg Cycling Classic Race Committee noted that the course of the race has been changed so it runs on Bruce Street instead of Water Street, leaving the parking deck open and more accessible to traffic. Mr. Slaymaker also noted that Lindseys, Sherwin Williams, Cassco Ice and the three churches located on the course have been contacted and are in support of the race. Mr. Slaymaker stated that more advanced notice will be given to all the people and business along the race course and Mr. Slaymaker further noted that the race has received the endorsement of the Retail Merchants, the Chamber of Commerce, Citizens for Downtown and the Neighborhood Coalition. Mr. Slaymaker concluded in noting that the Harrisonburg Downtown Days concept has been developed to get the downtown merchants more involved. Mark Nissley from the Bike Shop, Bob Berson with Citizens for Downtown, Nancy Garber from the Retail Merchants, Kathy McCutchy from the Neighborhood Coalition and Jim Deskins on behalf of Ruth Deskins from the Chamber of Commerce all spoke in favor of the race. Following further comments, Council Member Heath offered a motion that the City Council grant permission for the Harrisonburg Bicycle Classic to be held on April 20, 1991. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Vice-Mayor Rhodes moved that a supplemental appropriation in the amount of \$280,000.00, requested by Street Superintendent Baker for funds for engineering costs of construction plans and construction materials and funds to purchase a complete traffic signal system, be approved for a second and final reading, a first reading having been approved on December 18, 1990, and that:

\$280,000.00 chdg. to: 1-Unappropriated fund balance

155,000.00 approp. to: 1-2-4102-0-0-7012.01 Work in
Progress - Annexed Area

125,000.00 approp. to: 1-2-4107-0-0-7001.00 Machinery
& Equip. - Traffic Signals

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Council Member Kite offered a motion that a supplemental appropriation in the amount of \$19,000.00, requested by Street Superintendent Baker for funds to cover replacement of centerline painting machine be approved for a second and final reading, a first reading having been approved on December 18, 1990, and that:

\$19,000.00 chgd. to: 1-Unappropriated fund balance

19,000.00 approp. to: 1-2-4107-0-0-7001.00 Machinery &
Equipment - Traffic Signals


Council Member Kite and approved with a unanimous vote of Council.

At 10:30 p.m., the Executive Session was closed and the regular session reconvened. City Attorney Thumma read the following which was agreed to with a unanimous recorded vote of Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning two appointments to the Harrisonburg Electric Commission inasmuch as the second terms of Mr. Wayne Alley and Mr. John Sowers expired December 31, 1990. Council Member Dingledine offered a motion that Mr. Douglas B. Gardner, 1057 South Dogwood Drive and Mr. Jerry F. Morris, 215 Fairway Drive be appointed to the Harrisonburg Electric Commission for a first term of three years expiring December 31, 1993. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Vice Mayor Rhodes offered a motion that the Mayor and the City Attorney be authorized to submit not less than three (3) nor more than five (5) names of persons to the Circuit Court Judge for the Board of Equalization. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

At 10:40 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING
FEBRUARY 12, 1991

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; and Chief of Police Richard Presgrave. Absent: City Auditor Peterman.

Minutes of the regular meeting held on January 22, 1991, approved as read.

The following regular monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of January, 1991.

From the Police Department - A report of fines and costs collected - \$5,301.00; cash collected from street parking meters - \$4,909.33; total cash collected and paid on accounts and turned over to the City Treasurer - \$10,210.33.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of January, 1991, in the amount of \$200.90.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of January, 1991.

↓ City Manager Milam presented and read a letter from J. Kenneth Kline requesting that the R. J. Restaurant property located at the N. E. intersection of South Main Street and Miller Circle be rezoned from M-1 to B-2. Vice-Mayor Rhodes offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ City Manager Milam presented for Council's consideration of a second and final reading the following ordinance amending and re-enacting Section 3-5-1 of the City Code regarding Personnel Classification System and Uniform Pay Plan:

Section 3-5-1 Personnel Classification System and Uniform Pay Plan.

The Personnel Classification System and Uniform Pay Plan of the City of Harrisonburg, Virginia, dated 1991, based on surveys conducted by Yarger and Associates, Inc., conducted August, 1990, and December, 1990, and approved by the City Council in regular session, January 22, 1991, and as may hereafter be amended from time to time by the City Council is hereby recognized as the personnel classification system and uniform pay plan of the City. Such personnel system shall include the compensation plan, provisions for administration of the system, the salary schedule and class specifications for various classes of positions within the City.

This ordinance shall be effective on July 1, 1991.

ADOPTED AND APPROVED this ___ day of ___, 1991.

Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second reading. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 3-4-1 of the City Code: Creation of departments and offices. Manager Milam explained that six items were deleted from this section that did not function as departments of the City; and that the newly created Departments of Sanitation and Community Development were added. Manager Milam explained that the Ad Hoc committee which was formed to study and make recommendations concerning the Community Development office, recommended that a new staff position, known as the Director of the Department of Community Development, be created. Manager Milam stated that this has been accomplished with the reorganization of the various units. Following further discussion, Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded of Council. Manager Milam announced that the reorganization of the Community Development Department will be headed by Mr. John Byrd, currently the City's Building Official. Manager Milam reviewed Mr. Byrd's education and past work experiences and noted that Mr. Byrd is a highly qualified individual and will be in charge of all the divisions under the Department of Community Development. Manager Milam stated that there will no displacement of existing personnel. Manager Milam noted that another change that will take place is in the Department of Accounting. Manager Milam announced that Mr. Lester Seal, CPA and currently employed with City of Harrisonburg, has been named the Director of Accounting. Following introducing Mr. Seal to the City Council, Manager Milam reviewed his education and past work experiences.

✓ Manager Milam presented and read for Council's consideration of a second and final reading, and ordinance repealing Section 4-1-51, 4-1-52 and 4-1-77 of the City Code. Manager Milam noted that with this reorganization, the City Auditor and Deputy Auditor will come under the City Manager's office and be under the daily supervision of the Director of Accounting. Manager Milam noted that there will be no displacement of present personnel at the present time. Manager Milam explained that the Department of Utility Billing and the Department of Data Processing will also come under the Director of Accounting. Council Member Heath offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's consideration of approval a proposed license agreement between Exxon Corporation and the City of Harrisonburg, and called on City Attorney, Earl Thumma to explain the contents of the agreement. Mr. Thumma explained that a license is basically a document that is given which allows you to use a particular piece of property for a given period of time. Mr. Thumma noted that Chief Presgrave contacted Exxon to request permission to use the old Crawford's Exxon as a parking lot for Police Department employees. Mr. Thumma explained that Exxon was willing to consider this if the City prepares a license agreement which states that the city will indemnify Exxon against any and all claims, demands, damages etc. The agreement states that Exxon is granting to the City this revokable licenses and that the City will indemnify and hold them harmless. Mr. Thumma noted that there will be no charge for the use of this lot. Vice-Mayor Rhodes stated that if the Police Department is going to use this lot for parking, he feels the graffiti on the building should be removed. Chief Presgrave stated that he will see what he can do to give the building a face lift. Council Member Heath offered a motion that the license agreement be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam called Council's attention to their copies of section 58.1-3321 of the State Code regarding city levy and to the section regarding the notice of proposed real property tax increase. Manager Milam noted that the way he interprets the amendments is that if there is any intention of allowing the reassessment to increase greater than 1%, the Council will have to schedule a public hearing, which cannot be held on the same evening as the annual budget. Manager Milam reviewed various figures with the Council and noted that they need to decide the roll back rate and whether they want the rate to be within the perimeter of the 1.01% of the State Code or if they want the proposed assessment

rate for the upcoming budget to be another figure. Council Member Heath questioned if a preliminary estimate of the budget will be prepared to help decide what to set the tax rate at; and noted that he feels the Manager needs to prepare a very conservative budget estimate and then work from that to see what assessment rate it will take. Following a review of the State cuts and further discussion, Mayor Green requested that the City Council take this under consideration until the next Council Meeting.

✓ A request was presented by City Manager Milam for approval of a supplemental appropriation in the amount of \$33,957.00, due to insufficient funds for City's share (34.82% of local cost) of Court House expenses, Circuit Court, District Court, Commonwealth Attorney, Sheriff, maintenance of jail and maintenance of Health Department. Vice-Mayor Rhodes offered a motion that the appropriation be approved for a first reading, and that:

\$33,957.00 chgd. to: General - unappropriated fund balance

33,957.00 approp. to: 1-1-01-5-0-0-3009.05 - Payment to Rockingham County

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ A request was presented by City Manager Milam for approval of a supplemental appropriation in the amount of \$35,500.00, for the City of Harrisonburg's share of operating expenses for 1990-91. Council Member Heath offered a motion for the appropriation to be approved for a first reading, and that:

\$35,500.00 chgd. to: General - unappropriated fund balance

35,500.00 approp. to: 1 - 9104-0-0-5605.11 - Braddock House - Winchester - Juvenile Probation House

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Council Member Heath moved that a supplemental appropriation in the amount of \$100,000.00, requested by City Manager Milam, for land acquisition for the judicial center, be approved for a second and final reading, a first reading having been approved on January 22, 1991, and that:

\$100,000.00 chgd. to: 1 - unappropriated fund balance

100,000.00 approp. to: 1-1-3302-2-0-5413.02 Judicial Complex, City & County Jail

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam called Council's attention to their copies of the end of the year financial statements and noted that the report has been completed and sufficient copies mailed out to the proper locations.

↓ City Manager Milam presented and read a request from Alan Hiner, School Superintendent, requesting a supplemental appropriation in the amount of \$90,000 to provide architect's fees for preliminary design work for the construction of a new elementary school and the renovation of Harrisonburg High School. Vice-Mayor Rhodes stated that after meeting with the committee from the School Board, he was under the impression that they were going to hold off on this until next year. Vice-Mayor Rhodes further noted that in view of the present shortage of funds, he does not see how this request can be funded at this time. Mayor Green also noted that the School Board has been asked to cut expenses and to look for some alternative uses of school property because of the budget crunch which the School Board noted that they are aware of. Vice-Mayor Rhodes noted that the Planning Commission will be meeting next month to discuss the five-year capital outlay plan which this will be a part of. Council Member Kite agreed that with the present money crunch, he feels that this request is not timely right now and stated that he would like for the request to be delayed allowing time to see what the Planning Commission report is and to see what the budget shows for the next year. Council Member Heath also agreed that this request needs to be delayed because he feels the budget is too uncertain at this time. Vice-Mayor Rhodes offered a motion to have this request tabled at the present time and for the supplemental appropriation for \$90,000 be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.


At 8:35 p.m., Council Member Heath offered a motion for an executive session for discussion and consideration of the acquisition of real estate for the City/County Judicial Complex, exempt from the public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia and for discussion and reconsideration of the prospective candidates to be appointed to the Harrisonburg Redevelopment & Housing Authority, the Building Code Board of Appeals and the City Planning Commission, exempt from public meeting requirements pursuant to

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Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 10:10 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 10:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING
FEBRUARY 26, 1991

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on February 12, 1991, approved as read.

The City Manger's progress report for the month of January, 1991, was presented and ordered filed.

✓ City Manager Milam called Council's attention to a letter from Henry P. Deyerle requesting that the letter be attached to the rezoning request of the R. J. Restaurant property. Vice-Mayor Rhodes offered a motion that the letter be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ At 7:37 p.m., Mayor Green called the evening's first public hearing to order. City Manager read the following notice of public hearing as it appeared in the Daily News Record on February 11, 1991 and February 18, 1991:

The Harrisonburg City Council will hold a public hearing on Tuesday, February 26, 1991, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider amendments to the zoning ordinance relating to signs.

A. Chapter 5 of Title 11 (Sign Ordinance) of the Harrisonburg City Code to be repealed in its entirety.

B. A portion of Section 10-3-92 of the Harrisonburg City Code, titled Sign Regulations in M-1 General Industrial Districts, is proposed to read as follows: "Off-premises signs, such as billboard advertising, shall comply with all the requirements of this section and section 10-3-94 and in addition shall have the same setback as other principal structures and buildings as provided in this district and further must setback a minimum of one thousand (1000) feet from any residential district.

Copies of the proposed amendments are available for inspection and review in the Community Development Department, 409 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

Marvin B. Milam
City Manager

Planning Director Sullivan called Council's attention to a map illustrating the location of the existing billboards in the city and noted that there are presently 32 in the city. Mr. Sullivan noted that the majority of the billboards are in the M-1 districts and are located in clusters along I-81. Mr. Sullivan explained that basically this ordinance eliminates the existing sign ordinance from the City code, and noted that engineering features such as sign control, construction, and safety are covered in the building code. Mr. Sullivan further noted that what is being proposed is that under the M-1 zoning district, billboards will still be allowed but that any new billboards will have to have the same set back allowance as a basic structure; and that new billboards be a minimum of 1000 feet from a residential district. Council Member Heath questioned if there is any size restriction on billboards. Zoning Administrator Cook explained that there are two methods of restricting the size of billboards which is referenced in section 10-3-92 and 10-3-94. Council Member Heath also questioned if there are any disadvantages of restricting the overall size of signs. Council Member Kite questioned why billboards are necessary at all other than a business sign for proper identification. Mayor Green questioned what ever happened to a study that was done in the downtown years back as to signs in the downtown. Following further discussion, Council Member Heath stated that he would like to see this issue of outdoor advertising go back to the Planning Commission for study as to the possible total elimination of signs at some point and to study an overall size limit on all signs. Vice-Mayor Rhodes questioned if existing signs can be removed. Attorney Thumma noted that some counties are attempting this, but stated that he feels it will cause problems. Following further discussion, Council Member Heath noted that he feels this ordinance needs to be adopted before more signs go up. Mayor Green called on anyone desiring to speak for or against the amendments.

Ms. Kathy McClatchy, of Central Avenue and representing the Neighborhood Coalition spoke in support of the changes in the zoning code, but noted that she would like to see the changes go one step further by the removal of the non conforming billboards. Ms. McClatchy noted that residents should not have to live with a life long grandfather clause.

Linda Chatelain, representing Citizens for Downtown, spoke in support of the changes in the ordinance and stated that she would like to see the total elimination of billboards, noting the visual pollution they cause. Ms. Chatelain stated that she would like to see a "village atmosphere" in the downtown.

James Jenkins, spoke in support of the amendments, and further noted that he would like to see signs prohibited all together. Mr. Jenkins noted that he feels billboards affect the value of residents' property and questioned if they are of any value towards the City's tax base. Mr. Jenkins stated that he feels the value of a billboard is only to the owner at the expense of others.

Keith Mills, representing Friends of the Value spoke in support of the amendments and noted that he is in favor of a amortization program because it respects the rights of existing billboard owners which is a concern and is fair to everyone involved.

Jay Zayer and Judy Grandle also spoke in favor of the proposed amendments.

There being no others desiring to be heard, the public hearing was declared closed at 8:11 p.m., and the regular session reconvened. Mayor Green suggested that the ordinance be passed for now as a stop gap measure.

↓ City Manager Milam presented for Council's consideration of a first reading an ordinance repealing Chapter 5 of Title 11 of the City Code. City Attorney Thumma noted that is the old Harrisonburg sign ordinance which was enacted in 1966. Mr. Thumma explained that this section in the building code regulations needs to be repealed because it was taken care of with the City's adoption of the Virginia Uniform State Wide Building Code with sets forth all the regulations. Mr. Thumma concluded in stating that the repeal of this section does not drop any existing regulations. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

↓ City Manager Milam presented for Council's consideration of approval for a first reading an ordinance amending and re-enacting section 10-3-92 of the Harrisonburg City Code relating to sign regulations. City Attorney Thumma explained that these are the sign regulations as they exist in the M-1 zone and explained that what this is doing is saying that any off premise sign, such as billboard advertising, shall comply with all the requirements of this section and section 10-3-94 and in addition, shall have the same set back as other principal structures and buildings as provided in this district. Mr. Thumma noted that this means signs have to have a 30 foot set back and further must set back a minimum of 1000 feet from any residential district. Mr. Thumma noted that other than this, the regulations as they exist in the M-1 zone, remain the same. Following discussion, Council Member Heath offered a motion that this ordinance be approved for a first reading and for the matter of sign control be referred back to the Planning Commission for further study relating to the possible total elimination of outdoor advertising signs in the City of Harrisonburg and concerning an overall size limit on outdoor advertising signs. Council Member Heath also included in his motion that the study, which was done by Mr. Saker and his group some years ago on outdoor advertising signs in the downtown, be researched. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council Members.

✓ At 8:20 p.m., Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record on February 11th and 18th, 1991:

✓ The Harrisonburg City Council will hold a public hearing on Tuesday, February 26, 1991, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following subdivision ordinance amendments.

A. Enact a new Section 10-2-8, titled Waiver of Chapter Requirements, which reads in part as follows: "Where a single lot or parcel of land, which consists of five (5) or less acres in gross area is proposed to be divided into not more than four (4) lots or where the lot lines of existing lots are proposed to be changed or vacated, any one or more of the requirements of this chapter may be waived in writing by _____ the agent responsible for the administration and the enforcement of this section, provided that such division, lot line change or lot line vacation:

- (1) Conform to all applicable zoning ordinance requirements
- (2) Does not involve any new public street, road or easement of access
- (3) Does not offer opportunity to obstruct the flood plain or planned major highway
- (4) Does not adversely affect any part of any adopted plan.
- (5) Does not, in any way, violate the intent of this chapter or any applicable zoning ordinance."

B. To amend and re-enact section 10-2-61, titled Street, Alleys and Parking Lots, as follows: " (d) Streets shall be surfaced between curb faces with a bituminous surface treatment in accordance with specification of the city. and (f) private parking lots with two (2) or more parking spaces shall be surfaced in accordance with specifications of the city."

Copies of these proposed amendments are available for inspection and review in the Community Development Department, 409 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

Planning Director Sullivan explained that last year 65 Planning Commission reports came to the City Council, with 49 being minor subdivision. Mr. Sullivan noted that if this ordinance is past then it will reduce some of the workload for the Council. Mr. Sullivan further noted that this will save time for people wanting to move lot lines or get new construction started. Mr. Sullivan stated that the rest of the proposal is basically saying that in future subdivisions, the paving of the streets will be required to be done by the developer. Mr. Sullivan concluded in stating that the proposal also requires the paving of parking lots, by the developer, at residential projects with two or more parking spaces. Following discussion concerning single family homes being required to have paved parking lots, it was suggested that paragraph B be changed to read-"private parking lots with two (2) or more parking spaces as required by the Zoning ordinance shall be surfaced in accordance with specifications of the city." Council Member Heath questioned if the type of materials required should be specified to prevent the city from accidentally saying that it is not required since it is not spelled out in the ordinance; and questioned if there is a general term that would cover paving? Building Official, John Byrd questioned how do you define the word required and questioned the problem of water run-off, noting that some things may need to be better defined and further looked into. Mayor Green called on anyone present desiring to speak either for or against the proposed amendments.

Mr. Ray Nicely, stated that he supports the administrative approval of minor subdivision, and suggested that the administrator be a person at least a qualified as those persons preparing subdivision plats; and secondly would like to see a procedure established stipulating a time limit on the approval process. Mr. Nicely also noted that he would like to see the definition of the parking spaces that have to be paved be defined.

There being no others present desiring to be heard the public hearing was declared closed at 8:35 p.m., and the regular session reconvened.

✓ City Manager Milam presented and read for Council's consideration of approval for a first reading an ordinance amending and re-enacting section 10-2-61 of the City Code which relates to Streets, Alleys and Parking Lots. City Attorney Thumma noted that the sections being amended under this section are subsection D which states that streets shall be surfaced between curb faces with a bituminous surface treatment in accordance with specifications of the city and subsection F which states that private parking lots and/or areas with two (2) or more parking spaces, as required by the zoning ordinance, shall be surfaced in accordance with specifications of the City. City Attorney Thumma noted that the words "as required by the zoning ordinance, have been added and are not on Council's copies of this ordinance. Mayor Green noted that Council can act on this for a first reading with the added words but noted that he feels Council Member Kite, John Byrd, Attorney Thumma, Zoning Administrator Cook, and Planning Director Sullivan need to get together prior to the second reading of this

ordinance to legally clarify the issues discussed in the public hearing. Council Member Heath offered a motion that the ordinance be approved for a first reading with the correction in subsection F as stated by the City Attorney, and also with the understanding that the wording is to be worked out specifically by the parties who have some responsibility in the matter. Council Member Heath further moved to encourage the use of some general term for paving in place of "specifications of the city", to avoid the possibility that at some point in the future the City's specifications could back off to be nothing but gravel. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

City Manager Milam presented for Council's consideration of approval for a first reading an ordinance enacting Section 10-2-8, of the Harrisonburg City Code, City Attorney Thumma noted that this is adding a new provision, waiver of chapter requirements, and noted that within the first reading of this ordinance he has added that the agent responsible for the administration and enforcement of this section is the Director of Community Development. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 20, 1991:

"...The Commissioners reviewed a plat drawn by Surveyor Hal Benner, showing two lots at 1330 and 1340 South Main Street. Zoning Administrator Cook said Dr. Steven Riggelman, owner, desires to construct an addition to the dwelling, and needs to vacate the lot line on the north side of the dwelling. Mr. Neff moved for the Commission to recommend vacating the lot line between parcels 1 and 2. Mr. Rhodes seconded the motion and all members present voted in favor..."

Following comments from Planning Director Sullivan, Council Member Dingledine offered a motion that the request to vacate the lot line between parcels 1 and 2 be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 20, 1991:

"...The Commissioners reviewed a proposed Final Plan of the resubdivision of Lots 4 and 6 in Crawford Addition. Owners Eleanor Price and Marshall Price desire to reduce Lot 6 to 10,548 square feet and enlarge Lot 4 to 23,024 square feet. Both will be above minimum lot size requirements for R-1 Single Family Residential District. A new 10' utility easement extends along the south side of proposed Lots 4 and 6. Mr. Ray Nicely of Copper and Associates noted that this proposed resubdivision reflects the Commission's suggestions made during the January meeting.

Mr. Milam moved and Mr. Wassum seconded his motion for the Commission to recommend approval of the resubdivision of Lots 4 and 6, Crawford Addition. The motion passed unanimously..."

Following comments from Planning Director Sullivan, Vice-Mayor Rhodes offered a motion to approve the Planning Commission's recommendation to approve the resubdivision of Lots 4 and 6, Crawford Addition. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 20, 1991:

✓ "...The Commission studied a proposed Final Plan of Potz Subdivision, Section 1. It consists of two business lots on the southwest corner of South High Street and Erickson Avenue. Mr. Ray Nicely of Copper and Associates told the Commissioners that the lot line between Lots 1 and 2 is being relocated 21' closer to South High Street and a new 40' utility easement and 30' utility easement is being added to the subdivision on Lot 1. A convenience store will be developed on Lot 1 and a repair shop exists on Lot 2.

Mr. Milam described the utility construction work that has been occurring along South High Street near Erickson Avenue. The new utility easements will replace a 10' sewer easement. Mr. Wassum moved for the Commission to recommend approval of Potz Subdivision, Section 1. Mr. Milam seconded the motion and all members present voted aye..."

Council Member Heath offered a motion that the Planning Commission's recommendation to approve the Potz Subdivision be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 20, 1991:

✓ "...Mr. Dwight Wyse described plans to build a 2-story building for his computer business (CMDS) on the 3 acre parcel at 1620 Virginia Avenue and Mr. Ray Nicely described the Valley Church of Christ property which is adjacent to Wyse property. Three letters from adjacent property owners were presented, stating support for the rezoning request. No one spoke against the request.

After the public hearing was closed by Chairman Hughes, Mr. Neff moved for the Commission to recommend rezoning the Valley Church of Christ property and the Sheryl K. Wyse property from R-3 Multiple Dwelling District to B-2 General Business District. Mr. Wassum seconded the motion and all members present voted aye..."

Planning Director Sullivan stated that the City Council needs to schedule a public hearing to hear the request, and noted that no objections were expressed at the Planning Commission's public hearing. Vice-Mayor Rhodes offered a motion that a public hearing be scheduled for March 26, 1991, to hear this request. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council Member Heath moved that a supplemental appropriation in the amount of \$33,957.00 requested by City Manager Milam due to insufficient funds for City's share (34.82% of local cost) of Court House expenses, Circuit Court, District Court, Commonwealth Attorney, Sheriff, maintenance of Jail and maintenance of Health Department be approved for a second and final reading, a first reading having been approved on February 12, 1991, and that:

\$33,957.00 chgd to: General - unappropriated fund
balance

33,957.00 approp. to: 1-1-9105-0-0-3009.05 - Payment to
Rockingham County

The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Rhodes offered a motion that a supplemental appropriation in the amount of \$35,500.00, requested by City Manager Milam for the City of Harrisonburg's share of operating expenses for 1990-91 for the Braddock House be approved for a second and final reading, a first reading having been approved on February 12, 1991, and that:

\$35,500.00 chgd. to: General - unappropriated Fund
balance

35,500.00 approp. to: 1-9104-0-0-5605.11 - Braddock
House - Winchester Juvenile
Probation House

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Council Member Heath questioned what happened to the report that the Parking Authority was requested to do concerning parking in the downtown. Council Member Heath also noted that a number of bonds are outstanding with high interest rates and questioned if anyone is reviewing these as to refinancing them? Council Member Heath also questioned if Municipalities have certain safeguards as far as pledge securities to secure the large amounts of funds the City has invested at various banks. Lester Seal, Director of Accounting, stated that all banks are covered by the Treasury Board and all funds are 100% secured.

At 8:55 p.m., Council Member Kite offered a motion for an executive session for discussion and consideration of the acquisition and use of real estate for school purposes for the City/County Judicial complex and Housing Authority exempt from the public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia and for discussion and consideration of the prospective candidates to be appoint to the Harrisonburg Redevelopment and Housing Authority, the Building Code Board of Appeals, and the City Planning Commission exempt from the public meeting requirements pursuant to Section 2.1344(1) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 11:24 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of the Council Members: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Vice-Mayor Rhodes offered a motion that the City Attorney be authorized to proceed with the acquisition of the Box Factory and the Wetsel property. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

At 11:28 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green
MAYOR

REGULAR MEETING
MARCH 12, 1991

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Member Curtis F. Kite; City Clerk Judy M. Gray; and Chief of Police Richard Presgrave. Absent: Council Members Emily R. Dingleline and Robert Heath.

Minutes of the regular meeting held on February 26, 1991, approved as read.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trail balance report for the month of February, 1991.

From the Police Department - A report of fines and costs collected - \$2,587.75; cash collected from street parking meters - \$7,223.55; total cash collected and paid on accounts and turned over to the City Treasurer - \$9,811.30.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of February, 1991, in the amount of \$381.61.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of February, 1991.

✓ City Manager Milam presented and read a letter requesting that the south side of Pleasant Hill Road and the west side of Willow Hill Drive be rezoned from R-2 to R-3, and a letter requesting that Lot No. one and a twenty foot wide strip of Lot No. two of the Galanis Subdivision be rezoned from R-3 to B-2. Vice Mayor Rhodes offered a motion that the two rezoning requests be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council Members present.

✓ Mr. Lester Seal, Director of Account, introduced Mr. Charlie Meachum and Mr. Sam M. Stoakley, Jr. from the firm of Scott and Stringfellow and noted that they are present in the meeting to explain the process and answer questions concerning the refinancing of the Resource and Recovery Bond of 1981. Following an explanation of the procedure to refinance the bond issue and addressing question from the Council Members, Mr. Meachum strongly advised the City to refinance the bond.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 20, 1991:

"Mr. Ray Nicely requested the Commission to approve Phase I of Reherd Acres, Unit 26. Mr. Sullivan reminded the Commissioners that all of Unit 26 had been approved in October 1990, after several sessions concerning the 23-lot plan and relocation of East Hawkins Street. However, developer Jack Depoy never intended to record the entire 23 lots at one time, according to Mr. Nicely. Chairman Hughes asked Mr. Cook if proposed Lot 23 is a buildable lot (it is split by a 20' utility easement). Mr. Cook said it is suitable for a small dwelling, but future additions to the house will likely be impossible, and variances from the Board of Zoning Appeals should not be requested.

Mr. Wassum asked if the new roadway for Mrs. Mary Grim has been constructed. Mr. Sullivan reported that it has been staked only. Mr. Wassum then moved for the Commission to recommend approval of Reherd Acres, Unit 26, Phase I, with the understanding that Mrs. Grim's new access road is to be constructed immediately. Mr. Rhodes seconded the motion and all members present vote aye..."

Following comments from Planning Director Sullivan and Mr. Ray Nicely, Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Kite, and approved with a

unanimous vote of Council Members present.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance enacting section 10-2-8. Waiver of Chapter Requirements of the Harrisonburg City Code. Council Member Kite offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 10-2-61 Streets, Alleys and Parking Lots, of the Harrisonburg City Code. City Attorney Thumma stated that he met with John Byrd, Gary Cook, Roger Baker and Jim Baker and after reviewing the ordinance they felt the wording "as required by zoning ordinance" should remain the same. Attorney Thumma stated that Council should also keep in mind that this needs to be integrated with the zoning ordinance. Council Member Kite offered a motion for the ordinance to be approved for a second and final reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting section 10-3-92, Sign Regulations of the Harrisonburg City Code. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Milam presented for Council's approval of a second and final reading an ordinance repealing Chapter 5 of Title 11 of the Harrisonburg City Code. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Milam called Council's attention to their copies of the Harrisonburg Parking Authority's Financial Report for the year ended June 30, 1990, and noted that a copy is available in the Manager's office for public inspection.

✓ Manager Milam called Council's attention to their copies of the meter and parking lot survey which was completed on January 18, 1991. Manager Milam noted that this report was requested by the Council and submitted by Earl F. Taylor, Chairman of the Parking Authority. Following brief comments, Mayor Green requested that the City Council review the report and that a members of the Parking Authority be present at a later date to present and review the report.

✓ City Manager called Council's attention to their copies of a letter from Tour DuPont and noted that the race will approach Harrisonburg on Route 42. Following an explanation of the route through the City, Chief Presgrave noted that this is a very large event which uses the entire street, and further noted that traffic can be stopped for one half hour up to one hour. Following further discussion as to the emergency vehicles on Maryland Avenue it was agreed that prior to making a decision on the race, Chief Presgrave will look into the matter a little further. Mark Nissley, from Mark's Bike Shop, noted that the scope of this event is larger than the olympics and further noted that the exposure would be great for Harrisonburg.

✓ City Manager Milam presented a request from School Superintendent Hiner for approval of a transfer of funds in the amount of \$6,500.00, to provide additional funds needed for summer school pupil transportation. Council Member Kite moved that the transfer be approved, and that:

\$6,500.00 trans. from: 61100-9-1120
2-01-61000-00-00-305618 - Class
room instruction - Inst. salaries

6,500.00 trans. to: 63200-9-3410
2-01-63000-00-0-300000 - Pupil
Trans. Purchased Services -
Public Carrier

The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council Members present.

✓ A request was presented by City Manager Milam for approval of a supplemental appropriation in the amount of \$600,000, for a loan to the joint judicial complex revolving fund to be reimbursed when the bond issue is sold. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$600,000.00 chgd. to: 1 - unappropriated fund balance

600,000.00 approp. to: 1 - 1-1-3302-2-0-5413.02 - City
and County Jail - Judicial Complex

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council Members present.

✓ A request was presented by Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$88,346.39 for reimbursements and donations. Council Member Kite offered a motion that the appropriation be approved for a first reading, and that:

\$ 1,961.28 chgd. to: 1-1900-1901.01 recoveries & rebates
 599.00 chgd. to: 1-1900-1901.01 recoveries & rebates
 84,418.80 chgd. to: 1-1900-1901.01 recoveries & rebates
 1,367.31 chgd. to: 1-1900-1901.01 recoveries & rebates

\$76,174.00 approp. to: 1-1-3201-1-0-1005.06 Dispatchers
 599.00 approp. to: 1-1-3201-0-0-7001.03 Equipment
 1,961.28 approp. to: 1-1-3201-2-0-5413.01 Other operating expenses
 8,244.80 approp. to: 1-1-3201-1-0-1050.01 Other personal services
 1,367.31 approp. to: 1-1-3201-2-0-5400.01 Other materials and supplies

The motion was seconded by Vice Mayor Rhodes, and approved with a unanimous recorded vote of Council Members present.

✓ A request was presented by Street Superintendent Baker for approval of a supplemental appropriation in the amount of \$22,000.00 due to insufficient funds for snow and ice removal. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading and that:

\$22,000.00 chgd. to: 1 - unappropriated fund balance
 22,000.00 approp. to: 1 - 1-4202-2-0-5804.01 - Snow & ice removal

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council Members present.

✓ Vice-Mayor Rhodes expressed concerns about the right turn on red light at the corner of Main and Market Street with the walklight possibly being a safety hazard to pedestrians. Following comments, Vice-Mayor Rhodes offered a motion that the concern be referred to the Transportation Safety Commission. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council Members present.

✓ Mayor Green noted that someone needs to touch base with Ms. McMichens, 804 Stuart Street, concerning her desire to have the alley behind her home opened.

✓ Mayor Green noted that Chuck Ahrends and Pablo Cuevas have recently visited our sister City Peterhof in Russia and while they were there they met with the Mayor and other officials of the City. Mayor Green called Council's attention to an agreement that was prepared and signed while Mr. Ahrends and Mr. Cuevas were in Peterhof by Mr. Cuevas and the Chairman of the Petrodvorets. Mayor Green further noted that Mr. Cuevas has suggested to him that a Council member and a member at large be designated by Council to serve on a committee to work out details concerning the agreement and make arrangements for citizens of Peterhof to visit our community.

✓ Mr. Tanies Rontopoulos questioned if a study has been done on the impact that the jail facility will have on downtown, and noted that there are numerous vacant properties in the downtown. At 8:50 p.m., Vice-Mayor Rhodes offered a motion for an executive session for discussion and consideration of the acquisition and use of real estate for the City/County Judicial complex exempt from the public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia, and for discussion and consideration of city personnel exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council Members present.

At 10:00 p.m., the executive session was closed and the regular session reconvened. City Attorney read the following which was agreed to with a unanimous recorded vote of the Council Members present: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 10:00 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
 Clerk

Walter F. Green
 Mayor

REGULAR MEETING
MARCH 26, 1991

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on March 12, 1991, approved as read.

At 7:36 p.m., Mayor Green called the evenings first public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record:

✓ The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 26, 1991, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning requests.

1. Sheryl K. Wyse request to rezone 3.1 acres at 1620 Virginia Avenue from R-3 Multiple Dwelling District to B-2 General Business District. Purpose: to construct office building for CMDS. (Lot 3, Block C, Page 52 of City Block Map.)
2. The Valley Church of Christ request to rezone 3.5 acres of 1570 Virginia Avenue from R-3 Multiple Dwelling District to B-2 General Business District. (Lots 1 & 2, Block C, Page 52 of City Block Map)

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Planning Director Sullivan reported that the Planning Commission is recommending these rezoning. Mr. Sullivan pointed out the location of the two properties on a large map and noted these rezonings will help to enlarge the business district that is already in place on both sides of Virginia Avenue. Mayor Green called on anyone desiring to speak either for or against the rezoning request.

Mr. Ray Nicely, of Copper and Associates and representing both Ms. Wyse and the Valley Church of Christ, stated that CMDS will be the developer of the property. Mr. Nicely stated that the Church has no plans for development of their property at this time, but did note that CMDS has plans to fill the low area of the church property for recreational purposes. Following comments concerning water and sewer, Mr. Nicely concluded in presenting three letters from adjoining property owners stating their support of the rezoning requests.

Mayor Green called on anyone else desiring to speak either for or against the rezoning request. There being no others desiring to be heard, the public hearing was declared closed at 7:49 p.m., and the regular session reconvened. Vice-Mayor Rhodes offered a motion that the two rezoning requests be approved. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ At 7:50 p.m., Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. City Manager Milam read the following notice of hearing as it appeared in the Daily News Record on Friday, February 15, 1991 and March 19 and 26, 1991:

The Harrisonburg City Council will hold a public hearing on Tuesday, March 26, 1991, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street.

There will be a public hearing March 26, 1991, at the Harrisonburg City Council Chambers. This hearing will be to discuss Harrisonburg's application for Section 18 funds under the Urban Mass Transportation Act of 1964. These funds will aid in operating, capital and administrative costs for FY92.

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

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Transportation Director Reggie Smith noted that this is the annual application for Section 18 funding of the Federal Public Transportation Act of 1982, for capital, administrative, and/or operating assistance for public transportation systems in nonurbanized areas for fiscal year 1991-1992. Mr. Smith noted

that the application is basically the same as it has been in the past, but not⁰⁷⁹ that the Department does plan to add more services. Mr. Smith called Council's attention to several capital items which include funds to change the engines in the transit buses and funds to purchase a small mini-van which will have a handicap ramp. Following further comments, Mayor Green called on anyone desiring to speak either for or against the application. There being no one present desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular session reconvened.

City Manager Milam called Council's attention to the following proposed Resolution, authorizing him to file the application for the requested funding:

BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia that the City Manager is authorized, for and on behalf of the City of Harrisonburg to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia, for a grant of federal public transportation assistance under Section 18 of the Urban Mass Transportation Act of 1964, as amended, in the amount of \$268,000.00 to assist in the capital, operating and administrative costs of public transportation services, to accept from the Virginia Department of Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Transportation such documents and other information as may be required processing the grant request.

FURTHER, BE IT RESOLVED that the City Manager is authorized, for and on behalf of the City of Harrisonburg, to execute and file an application to the Virginia Department of Transportation, Commonwealth of Virginia for a grant of state financial assistance for public transportation in the amount of \$201,200.00 to defray fifty percent (50%) of the local matching share for administrative expenses and ninety-five percent (95%) of the local matching share of the City of Harrisonburg for capital and maintenance parts and supplies costs of an approved federal grant, to accept from the Virginia Department of Transportation grants in such amount as may be awarded, and to authorize the City Manager to furnish to the Virginia Department of Transportation such documents and other information as may be required for processing the grant request.

The City Council of the City of Harrisonburg, Virginia certifies that the funds shall be used in accordance with the requirements of the UMTA Section 18 Program and the current Appropriations Act of the Virginia General Assembly and that the City of Harrisonburg will provide matching funds in the rations required, and that the record of receipts and expenditure of funds granted the City of Harrisonburg, may be subject to audit by the Virginia Department of Transportation and by the State Audit of Public Accounts.

The undersigned duly qualified Clerk of Council of the City Council of the City of Harrisonburg, Virginia certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the City Council of the City of Harrisonburg, Virginia held on March 26, 1991.

Judy M. Gray
Clerk of Council

Council Member Heath offered a motion for the resolution to be approved with authorization for the City Manager to sign the same. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

↓ Mr. Bob Satterwhite, staff member of the Shenandoah Valley Private Industry Council, appeared before Council for the purpose of presenting the annual Summary of Planned Operations in Service Delivery Area 4 under Title II-A of the Job Training Partnership Act, July 1, 1991 through June 30, 1992. Mr. Satterwhite noted that the Summary is presented each year to all participating jurisdictions, with request for approval of the Plan of Job Training Activities for the year beginning July 1, 1991. Mr. Satterwhite noted that their funding had been increased from the State so they plan to likewise increase the level of their activities. Following further comments, Mr. Satterwhite asked for Council's approval of the plan. Council Member Heath offered a motion for approval of the Plan of Activities for 91-92. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

City Manager Milam presented the following resolution for Council's consideration of approval.

RESOLUTION

✓ BE IT RESOLVED that the City of Harrisonburg does hereby elect to provide the Early Retirement Program approved by the 1991 Session of the General Assembly and the Governor of its eligible employees.

BE IT ALSO RESOLVED that the City of Harrisonburg agrees to accept all liability for any current or future additional employer contributions and any increases in current or future employer contribution rates resulting from its election to provide the benefits of the Program to its employees.

BE IT FURTHER RESOLVED that the City of Harrisonburg elects to allow its eligible employees to apply for benefits under the Program between June 1, 1991, through September 1, 1991.

NOW, THEREFORE, Walter F. Green, III, Mayor of the City Council of the City of Harrisonburg, and Judy M. Gray, Clerk of the City Council, are hereby authorized and directed in the name of the City Council to execute any required contract in order that said eligible employees of the City of Harrisonburg may participate in the Early Retirement Program as provided for in the Code of Virginia. In execution of any contract which may be required, the seal of the City shall be affixed and attested by the Clerk, and said officers of the City are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City of Harrisonburg for this purpose.

Certificate

I, Judy M. Gray, Clerk of the City Council of the City of Harrisonburg, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the City Council held at Harrisonburg, Virginia, at 7:30 p.m. o'clock on March 26, 1991. Given under my hand and the seal of the City of Harrisonburg, this 26th day of March, 1991.

 CLERK

Manager Milam noted that in lieu of layoff programs that were planned for the lower level employees of the State, it was recommended to the Governor by the Va. Governmental Employees Association to provide an inducement to State employees. Manager Milam noted that if City Council approves this resolution it will cover the Harrisonburg Electric Commission employees, and all City employees with the exception of the Police and Fire Departments because a similar program was approved for them earlier this fall. For Council's information, Manager Milam noted that out of the 400 employees in the school system there are approximately 28 eligible for this program with probably only 14 or 15 accepting the offer. Manager Milam noted that about 18 city employees are eligible out of approximately 350 with probably only around 9 or 10 being interested in the program. Manager Milam reviewed the requirements to be eligible for the program and explained that if you are eligible for the proposal, the General Assembly will give you an additional five years credit with no penalty for early retirement. Manager Milam also explained that this is a one time deal and is designed to take senior and higher salaried persons out of the work force to create a savings to the localities. Following further discussion about the program, Vice-Mayor Rhodes offered a motion that the resolution be approved. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam called Council's attention to a letter from Mr. David W. Williams concerning the Tour Du Pont, which is a bicycle race that runs from the Homestead to Winchester, and noted that this is before Council for the second time for their approval for the race to pass through Harrisonburg. Manager Milam noted that more information was requested at the last City Council meeting, and stated that the Police Department and the Manager's Office would like to recommend that the Council grant to the Tour Du Pont the use of the public streets but restrict the location of the race to Route 42 and require the bikers to stay in the north bound lane. Mr. David Williams noted that it is hard to anticipate the length of time the race will be in the City limits, but noted that it would probably be no longer than 30 minutes. Mr. Williams expressed concerns about the cyclists being on the same road with motor vehicles, and for safety reasons requested that the cyclists have control over both lanes of the road. Mr. Williams explained that the reason for the original route was that no one street would be block off for very long and to "show off Harrisonburg's best" for the many television cameras that will be accompanying the race. Mr. Williams noted that this is an opportunity for Harrisonburg to receive National exposure. Ms. Ruth Deskins, from the Convention and Visitors Bureau expressed support for the original route and noted that this route would afford Harrisonburg optimum exposure and media coverage. Ms. Nancy Garber, Craig Moore, and a member of the rescue squad spoke in support of the race coming through the downtown. Following further discussion concerning rescue vehicles and getting to and from the Fire Station on Maryland Avenue, Council Member Heath offered a motion that the City allow the race to come into the City on Route 42 (Virginia Avenue,) cross over Cantrell Avenue to Main Street and then continue on Main Street to Elizabeth Street. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of approval an agreement between the City of Harrisonburg and James Madison University for Bus Service. Transportation Director Reggie Smith stated that this agreement is the same as it has been in the past years with the exception that the terms of this agreement are for a period of three years to avoid having to approve the agreement annually. Council Member Kite offered a motion that the agreement be approved. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council. Vice-Mayor Rhodes noted that he has received complaints from citizens that the step is too high to get on the buses and asked Mr. Smith to give this consideration in the future.

✓ City Manager Milam presented and read for Council's consideration the bid tabulations for the office and garage addition to the Harrisonburg Transit Department located on east Washington Street. Following comments from Transportation Director Reggie Smith, Vice-Mayor Rhodes offered a motion that the contract be awarded to J. B. Wine Construction Company with a bid of \$370,300. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 20, 1991:

"...The Commission reviewed a map showing the proposed rezoning of all parcels on Miller Circle, from M-1 General Industrial to B-2 General Business. Owners of three parcels had requested the change and the other owners have expressed no opposition to the change. Mr. Joe Harris, representing Wendy's Restaurant, spoke in favor of the rezoning. Under M-1 zoning, the commercial used are non-conforming. No one spoke against the rezoning.

After Chairman Hughes closed the hearing, Mr. Neff moved for the Commission to recommend rezoning all Miller Circle properties from M-1 General Industrial to B-2 General Business. Mr. Wassum seconded the motion. The motion passed unanimously..."

Council Member Heath offered a motion that a public hearing be scheduled for April 23, 1991, to hear this rezoning request. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 20, 1991:

"...Having met with City Department heads on February 27th to hear their 5-year capital outlay proposals and having discussed the subject thoroughly during a special meeting on March 6th, the Commissioners confirmed its choice of priorities for the 1991-92 through 1995-96 Capital Improvements Program with a motion offered by Mr. Neff that the Commission recommend a bond issue not to exceed \$8 million, for construction of a new elementary school plus necessary access road and water and sewer lines. Mr. Wassum seconded the motion and all members of the Commission voted aye. The proposed elementary school is estimated to cost \$6.2 million, water & sewer lines \$833,000 and new road with 44" pavement, sidewalk, curb and gutter and underground electric lines are estimated to cost \$838,000.

The Commissioners also agreed that the proposed City-County Jail and Judicial Complex is the City's current top priority in the capital outlay budget, and was selected as first priority last year..."

Planning Director Sullivan noted that it is the recommendation of the Planning Commission for the next year for the City to issue up to an eight million dollar bond to begin the process of building roads and extending water and sewer lines to the new elementary school site on the Boyer property. Following this discussion, Mr. Sullivan also reviewed for the Council, the other capital outlay projects which were discussed. Mayor Green noted that the Council previously had requested the School Board to consider the various sites for the new school to be sure that they were going to the right site, noting that 500 to 600 students live in the northeast section of the City with a very limited number living in the vicinity of this site. School Superintendent Hiner noted that this is being worked on and further noted that the information supplied to City Council is still valid in that this is an appropriate site for the new elementary school with the projected growth for the City. Mr. Hiner also explained that this new school will maintain a balance with the existing three schools and will get the students out of substandard space but not much beyond this. The report was received by the Council for information.

✓ Vice-Mayor Rhodes moved that a supplemental appropriation in the amount of \$600,000 requested by City Manager Milam as a loan to the joint judicial complex revolving fund to be reimbursed when the bond issue is sold, be approved for a second and final reading, a first reading having been approved on March 12, 1991, and that:

\$600,000 chgd. to: 1 - unappropriated fund balance

600,000 approp. to: 1-1-3302-2-0-5413.02 - City and
County Jail - Judicial Complex

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Council Member Heath moved that a supplemental appropriation in the amount of \$88,346.39 requested by Chief Shifflett for reimbursements and donations be approved for a second and final reading, a first reading having been approved on March 12, 1991, and that:

\$ 1,961.28 chgd. to: 1901.01 Recoveries & Rebates
599.00 chgd. to: 1901.01 Recoveries & Rebates
84,418.80 chgd. to: 1901.01 Recoveries & Rebates
1,367.31 chgd. to: 1901.01 Recoveries & Rebates

76,174.00 approp. to: 1-1-3201-1-0-1005.06 Dispatcher
599.00 approp. to: 1-1-3201-0-0-7001.03 Equipment
1,961.28 approp. to: 1-1-3201-2-0-5413.01 Other
personal services
1,367.31 approp. to: 1-1-3201-2-0-5400.01 Other
materials and supplies

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Council Member Dingledine moved that a supplemental appropriation in the amount of \$22,000.00 requested by Street Superintendent Baker due to insufficient funds for snow and ice removal be approved for a second and final reading, a first reading having been approved on March 12, 1991, and that:

\$22,000.00 chgd. to: 1 - unappropriated fund balance

22,000.00 approp. to: 1-1-4202-2-0-5804.01 Snow and Ice
Removal

The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from School Superintendent Hiner for approval of a transfer of funds in the amount of \$50,000, to provide funds for preliminary architect work for proposed new elementary school. Council Member Dingledine moved that the transfer be approved, and that:

\$50,000.00 trans. from: - General - Unappropriated
Fund Balance

50,000.00 trans. to: - School - Unappropriated Fund
Balance

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ A request was presented by School Superintendent Hiner for approval of a supplemental appropriation in the amount of \$50,000, to provide funds for preliminary architect work for proposed new elementary school. Council Member Heath offered a motion for the appropriation to be approved for a first reading and that:

\$50,000 - School - Unappropriated Fund Balance

50,000 - 66200-9-3000-00-1 - Facilities - Architect
Fees

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Mayor Green noted that he received a letter from Jack Osborne stating concerns about the status of some of the City's streets. Mayor Green further noted that he feels more money needs to be allocated for the streets, stating that what the City is doing is adequate just not enough.

✓ Council Member Heath questioned if the City is ready to move on with the refinancing of the bond that was discussed at a previous meeting. Manager Milam stated that the City received seven bids for the refinancing and noted that they have narrowed the seven down to the following four: Scott and Stringfellow, Crestar, Wheat First Securities and Craigie. Manager Milam explained that the City will have to go through the interview process and noted that it is a two month process to get ready for a bond issue. Following further discussion, Council requested further information at the next City Council meeting concerning the bond issue.

It was noted that the Parking Authority will make a report concerning the parking survey done downtown at the April 9, 1991, City Council meeting.

At 9:30 p.m. there being no further business and on motion adopted the meeting was adjourned.

Judy M. Gray
CLERK

Walter E. Bennett
MAYOR

REGULAR MEETING
APRIL 9, 1991

At a regular meeting of Council held this evening at 7:30 p.m., in the Council Chamber there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; and City Auditor Peterman. Absent: Chief of Police Presgrave (sitting in for Chief Presgrave was Lieutenant Leon Byrd.)

Minutes of the regular meeting held on March 26, 1991, approved as read.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of March, 1991.

From the Police Department - A report of fines and costs collected - \$8,253.50; cash collected from street parking meters - \$9,353.28; total cash collected and paid on accounts and turned over to the City Treasurer - \$17,606.78

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of March, 1991, in the amount of \$906.13.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of March, 1991.

↓ City Manager Milam presented for Council's information the County of Rockingham/City of Harrisonburg Juvenile and Domestic Relations District Court-Report on Audit for the year ended June 30, 1990. Manager Milam noted that the report is available in the Manager's Office for public inspection.

↓ City Manager called Council's attention to their copies of the Harrisonburg Electric Commission's budget for fiscal year 1991-1992, and noted that the Commission is required to submit their budget to the City Council by the first meeting in April.

↓ City Manager Milam presented and read the following resolution for Council's consideration of approval:

WHEREAS, the Commonwealth of Virginia, Department of Housing and Community Development has issued a notice of funding availability and has requested applications under the SHARE - Programs.

WHEREAS, assistance is needed to adequately address the shelter needs of homeless persons in the City of Harrisonburg.

WHEREAS, an application for a grant under this program has been prepared.

WHEREAS, Marvin B. Milam, City Manager, can act on behalf of the City of Harrisonburg and will sign all necessary documents required to complete the grant transaction.

WHEREAS, a nonSHARE dollar-for-dollar match is required under this Program, and will be provided.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Harrisonburg hereby authorizes Marvin B. Milam, City Manager, to apply for and accept the grant and enter into a grant Agreement with the Department of Housing and Community Development and perform any and all responsibilities in relation to such Agreement.

ADOPTED and APPROVED this ____ day of _____, 1991.

Walter F. Green
Mayor

ATTESTE:

City Clerk

Manager Milam noted that this resolution is to be submitted to the Department of Housing and Community Development of the State to support First Step Inc. Vice-Mayor Rhodes offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Mr. Earl Taylor, chairman of the Parking Authority, reported that on January 14 -18, 1991, Kelly Services was employed to do an hourly survey of every meter, every hour in the downtown. Mr. Taylor summarized the report prepared by the surveyors in noting that the meters on Court Square were the heaviest used, with the average use for all parking meters in the downtown being between 60 and 70 percent. Mr. Taylor noted that the Presbyterian Church wants the meters lifted off the lot beside the Church prior to April 22, 1991, in order to begin construction and stated that ample annual parking is available. Following further comments, Mr. Taylor concluded in stating that as a result of the survey, there appears there is ample parking in the downtown. Council Member Heath thanked Mr. Taylor and the Parking Authority for the thoroughness of the report and for immediately responding to the problem.

✓ City Manager Milam presented and read for Council's consideration of approval for a first reading an ordinance amending and re-enacting Title 7, Chapter 3, Article A, Article D and Article E and enacting Title 7, Chapter 3, Article F of the Harrisonburg City Code. City Attorney Thumma noted that the bases for this ordinance is to bring the City's Ordinance in compliance with the Harrisonburg Rockingham Regional Sewer Authority's rules and regulations as proposed by the State and Federal government. Following further comments by Mr. Thumma, Council Member Kite offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam called on Assistant City Manager Baker to presented the Upper Valley Regional Park Authority's Assessment Report. Mr. Baker explained that in 1985 an assessment was made of the Park Authority at the request of the four sponsoring jurisdictions with some of the recommendations in the report being implemented. Since it had been five years since the last report was made, Mr. Baker stated that the Board felt it would be a good idea to have the State come back and look at the situation again.

✓ City Manager Milam called on Lynn Cameron to make a presentation on the benefits of wilderness designation of Skidmore Fork. Mr. Cameron explained that the Wilderness Act was passed in 1964 by Congress, and only Federally owned land can be included in the Wilderness Preservation System. Mr. Cameron noted that the purpose of this act is to keep the finest national wildlands as they are thus prohibiting logging, road building or the use of motorized vehicles in these area. Mr. Cameron stated that camping, hunting, fishing, hiking and horseback riding are allowed, thus emphasizing that people can use and enjoy these areas but not in a way that destroys their natural character. Mr. Cameron noted that it takes an act of Congress to include an area in the Wilderness Preservation System and there have been seven areas proposed to the Governor to be included. Mr. Cameron explained that the area of interest to the City would be Skidmore Fork which is located above Switzer Dam and includes the entire watershed of the stream called Skidmore Fork. Mr. Cameron noted that this area contains the largest and most important stand of old growth hemlocks in VA. and a number of rare birds, etc. Following a slide presentation of the area and a review of the benefits of designating this area a wilderness area, Mr. Cameron concluded in requesting the City Council to pass a resolution stating the City's support of making Skidmore Fork a wilderness area. Mayor Green noted that the City Council will take this matter under consideration.

✓ City Manager Milam presented and read the following resolution for Council's consideration of approval:

WHEREAS, that due to construction and reconstruction of certain streets within the city limits of Harrisonburg, there is additional street milage which is eligible for maintenance payments as follows:

1. Collector/Local streets which meet the requirements of Section 33.1 - 41.1 of the Code of Virginia as February 22, 1985, that are eligible for maintenance payments totaling 2.25 miles (4.50 lane miles). Said streets being listed on accompanying U-1 (7-1-85),

Virginia Department of Transportation forms and shown in red on City map.

NOW THEREFORE BE IT RESOLVED THAT, the City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 1991.

Stalter B. Green
 _____ Mayor

 Clerk

Manager Milam noted that this is the annual update of City Streets. Vice-Mayor Rhodes offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ City Manager Milam presented and read the following resolution for Council's consideration of approval:

A RESOLUTION APPROVING THE APPLICATION
 OF THE CITY OF HARRISONBURG, VIRGINIA
 TO THE STATE COUNCIL ON LOCAL DEBT

WHEREAS, the City of Harrisonburg, Virginia (the "City"), would like to issue its Public Improvement Refunding Bonds, Series 1991 in an amount now estimated not to exceed \$11,285,000 (the "Refunding Bonds") to

refund its \$10,450,000 Public Improvement Bonds, Series of 1981 to take advantage of the lower market interest rates currently available;

WHEREAS, Section 15.1-192 and 15.1-193 of the Code of Virginia of 1950, as amended, authorize cities, counties and towns to issue refunding bonds under guidelines and procedures to be set by the State Council on Local Debt (the "State Council");

WHEREAS, The State Council has distributed its Guidelines for Approval of Refunding Bonds, which require, in part, that the governing body of the City authorize the filing of an application of the City with the State Council; and

WHEREAS, the City Council of the City of Harrisonburg, Virginia (the "Council") is the governing body of the City:

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

1. The Council hereby authorizes and approves of filing with the State Council an application for the issuance of the Refunding Bonds.
2. The Council directs the City Manager and any other official or employee of the City to work with the State Council to provide any additional information which the State Council may require.
3. Any action previously taken by the City Manager and any other official or employee of the City to submit the City's application to the State Council or to provide information to the State Council is hereby ratified and approved.
4. This resolution shall take effect immediately upon its adoption.

Adopted: April 9, 1991

A Copy
 Teste:

 Clerk, City Council of the
 City of Harrisonburg, Virginia

Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ Council Member Dingledine moved that a supplemental appropriation in the amount of \$50,000.00 requested by School Superintendent Hiner to provide funds for preliminary architect work for the proposed new elementary school be approved for a second and final reading, a first reading having been approved on March 26, 1991, and that:

\$50,000 - School - Unappropriated Fund Balance

50,000 - 66200-9-3000-00-1 - Facilities - Architect Fees

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Sonja Bible, Director of Social Services for approval of a supplemental appropriation in the amount of \$5,000.00 for legal services ("reimbursement will be at 75% for advice and representation on cases before the Court for adjudication for child protective services, adoption, or foster care on a client specific basis charged to Title XX.) Council Member Heath offered a motion that the appropriation be approved for a first reading, and that:

\$5,000.00 chdg. to: 5-2400-2401.02-0 admin. revenue

5,000.00 approp. to: 5-1-5301-2-0-5413.01 Other
Administration Local only

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Manager Milam called on Assistant Manager Baker to give an update on the Erosion and Sediment Control program. Mr. Baker reported that the Public Work's inspectors continue with their efforts to acquire State certification and have all attended the seminars; with two inspectors having received their certificates and two more to take the test in May. On March 14th, Mr. Baker stated that the City sponsored an all day State workshop which covered all aspects of erosion and sediment control and was well attended. Mr. Baker also reported that letters have been mailed to property owners advising them of the need to establish vegetation which will be followed up with additional action as necessary. Mr. Baker explained that a complaint was received from Dr. Botkin concerning the Arboretum pond, but noted that the City does have some interest in the Arboretum because the City excavated the area at a cost of approximately \$12,000 and installed water and sewer lines for the comfort station. Mr. Baker added that up stream property owners were contacted and advised of the necessary maintenance to be done, and stated that he will continue to monitor the situation to insure that Dr. Botkin's concerns are addressed.

At 8:25 p.m., Vice Mayor Rhodes offered a motion that Council enter an executive session for discussion and consideration of the prospective candidates to be appoint to: the Harrisonburg Redevelopment and Housing Authority, the Building Code Board of Appeals, the City Planning Commission and the Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia and for discussion and consideration of the prospective candidates to be recommended to the Circuit Court for appointment to the Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

At 9:30 p.m., the executive was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Harrisonburg City Planning Commission inasmuch as the second term of Dwight W. Hartman expired on December 31, 1990. Council Member Heath offered a motion that Paul L. Rexrode, of 733 Circle Drive, be appointed to the City Planning Commission for a first term of four years, expiring December 31, 1994. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning a recommendation to the Board of Zoning Appeals inasmuch the second term of Mr. Forrest C. Palmer expired on March 20, 1991. Vice-Mayor Rhodes offered a motion that Mr. William R. Fleming of 474 Myers Ave. be recommended to the circuit court judge to serve a first term of five years on the Board of Zoning Appeals. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Vice-Mayor Rhodes expressed concern over the condition of Blacks Run and noted that he feels the City needs to set aside some money for Black Run and also get the property owners involved by having them pay some of the costs.

✓ Council Member Dingledine noted that she has been asked to serve on the International Committee. Following comments, City Council endorsed Council Member Dingledine serving on this committee.

At 9:59 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judith M. Gray
CLERK

Walter B. Green, Jr.
MAYOR

REGULAR MEETING
APRIL 23, 1991

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

The City Manager monthly progress report for the month of March was presented and ordered filed.

✓ At 7:45 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following notice of hearing as it appeared in the Daily News Record on April 9th and April 16, 1991:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 23, 1991, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning request:

To rezone all commercially developed parcels on Miller Circle, from M-1 General Industrial to B-2 General Business (Lots 12, 12A, 14, 15, 17 and 17A, Block B., Page 11 of City Block Map) Purpose: To place business uses under the business district regulations.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Planning Director Sullivan noted that the Planning Commission is recommending this rezoning that will place several businesses, which are currently zoned Industrial, under B-2 General Business. Mayor Green called on anyone present desiring to speak either for or against the rezoning. There being no one present desiring to be heard, the public hearing was declared closed at 7:38 p.m. and the regular session reconvened. Council Member Heath offered a motion that the recommendation of the Planning Commission to approve the rezoning be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

↓ Council Member Heath called Council's attention to their copies of the draft report of the City of Harrisonburg 1991 Comprehensive Plan Update, and noted that a very dedicated group of individuals have been working on this plan for the past two years. Council Member Heath introduced the following individuals who worked on the plan: Walter Trobaugh, James Rhodes, Lee Yoder, Paul Rexrode, John Neff, JoAnn Taylor, Mike Patrick, and Margaret Haynes. Council Member Heath also noted that technical assistance was provided to the group by Mr. Billy Vaughan of the Central Shenandoah Planning District Commission and also by Gary Cook, Zoning Administrator, and Bobby Sullivan, Planning Director. Council Member Heath explained that this is a draft plan and that two public hearings will be held for public input. Council Member Heath also noted that the plan will be updated every five years. Council Member Heath concluded in encouraging the Council to refer the plan to the Planning Commission and City Staff for their review. Mayor Green, on behalf of the City Council, expressed appreciation to the committee for their time and efforts spent on the Comprehensive Plan. Vice-Mayor Rhodes offered a motion that the Comprehensive Plan be referred to the Planning Commission and the City Staff for their review and consideration. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Mr. Hal Benner was present in the meeting to present the 1991 Plan of Service of the Virginia Employment Commission for Service Delivery Area IV, Shenandoah Valley. Mr. Benner noted that the plan is basically the same as last years'. Following further comments from Mr. Benner, Council Member Kite, offered a motion that the City Council adopt the service plan for the Virginia Employment Commission. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

↓ City Manager Milam presented and read for Council's consideration of a first reading a resolution authorizing the Issuance Sale and Award by the City of Harrisonburg, Virginia, of its General Obligation Refunding Bonds, Services 1991, in an Aggregate Principal amount not to exceed \$12,000.00. Lester Seal, Director of Finance, stated that the bond rating agencies will be in Harrisonburg on April 25th and 26th with the bond issue to be priced on May 8, 1991. Mr. Seal further noted that the bonds are scheduled to be signed and delivered on May 23, 1991. Mr. Seal explained that the city is issuing the bonds to pay off old bonds and

that the money will be put with an escrow agent and used to pay off the old bonds at a savings to the City of approximately one million dollars. Manager Milam noted that Sovran Bank has been designated as the escrow agent and the resolution is being presented to City Council this evening for a first reading with the understanding that a special meeting will be scheduled for Tuesday, April 30, 1991, to give a second reading to the resolution. Vice-Mayor Rhodes offered a motion that the resolution be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Manager Milam stated that the special meeting scheduled for Tuesday, April 30, 1991, needs to be ratified by the City Council. Manager Milam read the following notice:

An emergency existing, there will be a special meeting of the City Council, called by the Mayor, to be held in the Council Chamber on Tuesday, April 30, 1991, 11:00 a.m., to consider the following matters and take necessary action thereon:

1. Roll call.
2. Public Hearing and proposed second reading of a Resolution authorizing the Issuance, Sale and Award by the City of Harrisonburg, VA, of its General Obligation Refunding Bonds, Series 1991, in an Aggregate Principal amount not to exceed \$12,000,000.
3. Other Matters.

Council Member Dingledine offered a motion for the special meeting to be ratified. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 17, 1991:

"...Following the Public Hearing during which time the Commissioners revived a Plan of Development for proposed medical and professional offices on a 6-acre tract bordering the north side of Cantrell Avenue, and proposed conditions for the rezoning were described by Attorney David Penrod, Mr. Neff noted that special landscaping and berms could also be arranged for single family development. In addition, the City needs more quality single family lots. Messrs. Wassum, Rexrode and Hughes noted that the public depends on zoning for protection. Questions were asked about a proposed 36-lot single family layout introduced during the Hearing by Attorney John Crist.

Mr. Neff then moved for the Commission to recommend denial of the Scripture Building Corporation request to rezone 6 acres on Cantrell Avenue from R-1 Single Family Residential to R-3 "Conditional" Multiple Dwelling District. Mr. Wassum seconded the motion. Roll call followed and all members voted to deny the request..."

Following comments from Planning Director Sullivan, Vice-Mayor Rhodes offered a motion that City Council receive the report of the Planning Commission. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

✓ Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Title 7, Chapter 3, Article A, Article D and Article E and enacting Title 7, Chapter 3, Article F of the Harrisonburg City Code. Following comments from City Attorney Thumma, Council Member Heath offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

✓ Manager Milam presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 16-1-2, Punishment for conviction of misdemeanor, of the Harrisonburg City Code. City Attorney Thumma noted that this ordinance will place the City Code in compliance with State Law. Council Member Kite offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Manager Milam presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 10-4-21, Certain state erosion and sediment control provisions adopted, of the Harrisonburg City Code. Following comments from City Attorney Thumma, Council Member Heath offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Rhodes moved that a supplemental appropriation in the amount of \$5,000.00 requested by the Director of Social Services Sonja Bible for legal services be approved for a second and final reading, a first reading having been approved on April 9, 1991. and that:

\$5,000.00 chgd. to: 5-2400-2401.02-0 Admin. Revenue

5,000.00 approp. to: 5-1-5301-2-0-5413.04 - Other Admin.
local only

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

A request was presented by Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$10,907.26, to recover money received for off-duty overtime - repair of vehicles, drug forfeiture and sale of bicycles and reloading equipment. Council Member Kite offered a motion that the appropriation be approved for a first reading, and that:

\$10,907.26 chgd. to: 1-1900-1901.01 recoveries &
rebates

2,979.38 approp. to: 1-1-31-1-1-0-1004.07 special
police

4,557.39 approp. to: 1-1-3101-2-0-3004.03 maint. &
repair auto equip.

1,253.54 approp. to: 1-1-3101-2-0-5413.01 other
operating expenses

2,116.95 approp. to: 1-1-3101-2-0-5802.02 drug forfeiture

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

A request was presented by Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$4,557.50 for return of "One for Life" funds from the State. Council Member Heath offered a motion that the appropriation be approved for a first reading, and that:

\$4,557.50 chgd. to: 1-2400-2404.02 00 - Office of
Emergency Services

4,557.50 approp. to: 1-1-3505-2-0-5413.01 Other operating
expenses

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

Manager Milam called Council's attention to their copies of the first draft of the Solid Waste Management Plan prepared by Draper Aden Associates and noted that he would like for the Council to review the report and let the Manager's Office or John Holsten know if any changes are needed. Manager Milam also stated that within the next two or three months a public hearing will be held concerning the report.

Council Member Heath stated that he received a letter from Doug and Lila Gardner stating their appreciation to the City Manager and City Council for solving the bird problem in the Hillandale Park area.

Council Member Dingledine stated that Malcolm Cameron contacted her with an invitation to take the City Council and any other City staff member on a tour of the area that they wish to designate as a wilderness area.

City Attorney Thumma noted that he has received the order entered by the Circuit Court of Rockingham County stating that William Richard Fleming has been appointed to the Board of Zoning Appeals for the City of Harrisonburg to a term from March 20, 1991 through March 20, 1996.

At 8:11 p.m. Council Member Heath offered a motion that Council enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Harrisonburg Redevelopment and Housing Authority, the Building Code Board of Appeals, the Rockingham-Harrisonburg ASAP Commission and the Industrial Development Authority exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consultation with the City Attorney pertaining to probably litigation, exempt from the public meeting requirements pursuant to Section 2.1-344(7) of the Code of Virginia; and for discussion and consideration of a personnel matter, exempt from public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 9:40 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Building Code Board of Appeals inasmuch as the second terms of Mr. Howard D. Whitmore and Mr. James Gilkeson have expired rendering them ineligible for reappointment. Council Member Heath offered a motion that Mr. Wayne V. Modisett, of 33 Port Road, be appointed to the Building Code Board of Appeals for a first term of five years expiring on November 30, 1995. The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Industrial Development Authority. Council Member Kite offered a motion that Mr. Gerald Hopkins, of 336 Par Lane, be appointed to a second term of four years expiring on April 24, 1990. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

At 9:45 p.m., there being no further business and on motion adopted, the meeting was adjourned.


MAYOR


CLERK

SPECIAL CALL MEETING

TUESDAY, APRIL 30, 1991

At a special meeting of Council held in the Council Chamber today at 11:00 a.m. there were present: Mayor Walter F. Green, III; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, and Curtis F. Kite; Chief of Police Richard Presgrave and City Auditor Philip Peterman. Absent was Council Member C. Robert Heath.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, called by the Mayor, to be held in the Council Chamber on Tuesday, April 30, 1991, 11:00 a.m., to consider the following matters and take necessary action thereon:

1. Roll call.
2. Public Hearing and proposed second reading of a Resolution authorizing the Issuance, Sale and Award by the City of Harrisonburg, Virginia, of its General Obligation Refunding Bonds, Series 1991, in an Aggregate Principal amount not to exceed \$12,000,000.
3. Other matters.

✓ At 11:15 p.m., Mayor Green called the public hearing to order and City Manager Milam read the following notice of public hearing as it appeared in the Daily News Record:

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the "Council") will hold a public hearing on the adoption of a proposed resolution (the "Resolution") authorizing the issuance by the City of Harrisonburg, Virginia (the "City"), without a referendum, of general obligation refunding bonds in a principal amount not to exceed \$12,000,000 pledging the full faith and credit of the City thereto (the "Bonds"). the proceeds of the Bonds will be used to refund the \$10,450,000 Public Improvement Bonds, Series of 1981 issued by the City on August 4, 1981 (the "Prior Bonds") and to pay the costs of issuing the Bonds. The proceeds of the Prior Bonds were used to finance the construction of a solid waste and energy recovery facility and related improvements located on land owned by the City adjacent to James Madison University.

The public hearing, which may be continued or adjourned, will be held at 11:00 a.m. on Tuesday, April 30, 1991, before the Municipal Building at 345 South Main Street, Harrisonburg, Virginia 22801. Any person interested in the issuance of the Bonds or the purpose for which they are being issued may appear at the hearing and present his or her views. A copy of the full text of the Resolution is on file and is available during business hours for inspection in the office of the City Manager in the Municipal Building.

Manager Milam noted that the only change in the resolution from the first reading is that Sovran Bank has been designated as the paying agent. Manager Milam further noted that the resolution is authorizing the pricing and sale of bonds up to 12 million dollars and that the bonds will be priced on May 8, 1991. Manager Milam also explained that the total amount of principal will be set aside with Sovran Bank who will do the calling. Following an explanation of how the original bond came into being, Manager Milam presented the following resolution for Council's consideration of a second and final reading:

RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD BY
THE CITY OF HARRISONBURG, VIRGINIA, OF ITS
GENERAL OBLIGATION REFUNDING BONDS, SERIES 1991,
IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$12,000,000

WHEREAS, the City of Harrisonburg, Virginia (the "City") is a political subdivision of the Commonwealth of Virginia;

WHEREAS, pursuant to the Public Finance Act (Chapter 5, Title 15.1, Code of Virginia of 1950, as amended) (the "Act") and the Charter of the City (Chapter 712 of the Acts of the General Assembly of Virginia of 1952, as amended) (the "Charter"), the City Council of the City of Harrisonburg, Virginia (the "Council") is authorized to contract debts on behalf of the City, to refinance such debts and to issue, as evidence thereof, bonds notes or other obligations payable from pledges of the full faith and credit of the City;

WHEREAS, pursuant to the Act of the Charter, the City issued its \$10,450,000 Public Improvement Bonds, Series of 1981, on August 4, 1981 (the "Prior Bonds") to finance the construction of a solid waste and energy recovery facility in the City (the "Project");

WHEREAS, the outstanding Prior Bonds have interest rates that range from 9.65% to 11% per year and the City has determined that it could lower its debt service costs through the issuance of refunding bonds bearing interest at lower rates; and

WHEREAS, it is advisable and expedient to lower its debt service costs by contracting a debt and issuing its general obligation refunding bonds in an aggregate principal amount not to exceed TWELVE MILLION DOLLARS (\$12,000,000) payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the City subject to taxation and a pledge of the full faith and credit of the City, the proceeds of which shall be used to refund the Prior Bonds and to pay other costs and expenses related to the issuances of such bonds;

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

ARTICLE I
DEFINITIONS

Section 1.1. Definitions: Whenever used in this resolution, unless a different meaning clearly appears from the context:

"Authentication Agent" shall mean Sovran Bank, N.A. and its successors and assigns.

"Bond Purchase Agreement" shall mean the Bond Purchase Agreement dated the date of its execution pursuant to which the City agrees to sell the Bonds to the Underwriter and the Underwriter agrees to purchase the Bonds from the City, as amended or supplemented.

"Bond Registrar" shall mean Sovran Bank, N.A. and its successors and assigns.

"Bond Year" shall mean each year or portion thereof ending on August 1.

"Bondholders" shall mean the registered owners of any Bonds.

"Bonds" shall mean the City's General Obligation Refunding Bonds, Series 1991, in an aggregate principal amount not to exceed \$12,000,000 issued hereunder.

"Closing Date" shall mean the date on which the Bonds are delivered to the Underwriters upon payment of the purchase price therefor.

"Code" shall mean the Internal Revenue code of 1986, as amended. References to sections of the Code include relevant applicable regulations, temporary regulations and proposed regulations thereunder and under the Internal Revenue Code of 1954, as amended, and any successor provisions to those sections, regulations, temporary regulations or proposed regulations.

"Escrow Agent" shall mean Sovran Bank, N.A. and its successors and assigns serving as escrow agent under the Escrow Agreement.

"Escrow Agreement" shall mean the Escrow Agreement dated as of May 1, 1991, between the City and the Escrow Agent, as amended or supplemented.

"Escrow Fund" shall mean the escrow fund held by the Escrow Agent pursuant to the Escrow Agreement for the benefit of the holders of the Prior Bonds.

"Interest Payment Date" shall mean each February 1 and August 1 commencing February 1, 1992.

"Paying Agent" shall mean Sovran Bank, N.A. and its successors and assigns.

"Prior Bonds" shall mean the City's \$10,450,000 Public Improvement Bonds, Series of 1981, issued on August 4, 1981.

"Project" shall mean the City's solid waste and energy recovery facility which was financed through the issuance of the Prior Bonds.

"Underwriter" shall mean Scott & Stringfellow Investment Corp. and its successors and assigns.

ARTICLE II

AUTHORIZATION OF REFUNDING

Section 2.1 Refunding Prior Bonds: The Council hereby calls for the refunding of the Prior Bonds. The Prior Bonds maturing on August 1, 1991, shall mature and be payable on August 1, 1991, as described therein. The Prior Bonds maturing on August 1, 1992, through August 1, 1996, are hereby called for optional redemption in full on August 1, 1991 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date plus a redemption premium for each maturity equal to one-fourth of one percent (1/4 of 1%) of which principal amount for each twelve month period between the redemption date and the stated maturity date for such maturity. The Prior Bonds maturing on and after August 1, 1997 are hereby called for optional redemption on August 1, 1996 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date.

The calls for redemption made in this Section 2.1 are irrevocable on and after the Closing Date.

Section 2.2. Escrow Agreement: The Mayor or the Vice Mayor is hereby authorized and directed to execute the Escrow Agreement. The Escrow Agreement provides for the irrevocable deposit into the Escrow Fund of an amount of proceeds of the Bonds which will be sufficient, when invested in non-callable, direct obligations of the United States of America [and certain other securities], to provide for the payment of the principal of, redemption premium, and interest on the Prior Bonds maturing on and after August 1, 1992 when due. The Escrow Fund is hereby irrevocably pledged to the payment of the Prior Bonds maturing on and after August 1, 1992. The Escrow Agreement is hereby approved in the form submitted to the Council prior to the adoption of this resolution, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Mayor or the Vice Mayor, whose approval shall be evidenced conclusively by the execution and delivery of the Escrow Agreement.

ARTICLE III

AUTHORIZATION, FORM, EXECUTION, DELIVERY AND REGISTRATION OF BONDS

Section 3.1. Authorization of Bonds: It is hereby determined to be advisable, necessary and expedient for the City to borrow up to \$12,000,000 to provide funds, together with other funds that may be available, to refinance the Prior Bonds maturing on and after August 1, 1992 upon the terms set forth in Section 2.1 and to pay the costs of issuing the Bonds. Pursuant to the Act and the Charter, there is hereby authorized to be issued and sold general obligation bonds of the City in an aggregate principal amount not to exceed \$12,000,000. The Bonds shall be designated the "City of Harrisonburg, Virginia, General Obligation Refunding Bonds, Series 1991." the actual principal amount of the Bonds shall be in an amount sufficient to refund the Prior Bonds maturing on and after August 1, 1992 and to pay the cost of issuing the Bonds and shall be approved by the Mayor or Vice Mayor. The Mayor's or Vice Mayor's signature on the Bond Purchase Agreement shall be evidence of this approval of the actual principal amount of the Bonds.

The Bonds shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia. The Bonds shall be general obligations of the City, the principal of and interest on which are payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the City subject to taxation and a pledge of the full faith and credit of the

City.

Section 3.2 Details of Bonds: The Bonds shall be issued as fully registered bonds without coupons in denominations of \$5,000 or any whole multiple thereof, shall be dated May 1, 1991, shall be numbered R-1 and up, and shall mature on August 1 in each of the years 1992 through 2001 in amounts to be approved by the Mayor or Vice Mayor and set forth in the Bond Purchase Agreement. The principal amount of each maturity shall be in such amount as will, together with the interest payable thereon, provide the City with approximately level payments of debt service in each year. The Mayor's or Vice-Mayor's signature on The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 28, 1989, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning application: the Bond Purchase Agreement shall be evidence of his approval of the actual principal amount of each maturity of the Bonds.

The Bonds shall bear interest at the rates to be approved by the Mayor or Vice-Mayor and to be set forth in the Bond Purchase Agreement. The true interest cost on the Bonds, as calculated by the Underwriter, shall not exceed eight percent (8%) per year. The Mayor's or Vice Mayor's signature on the Bond Purchase Agreement shall be evidence of his approval of the actual interest on each maturity of the Bonds.

Interest on the Bonds shall be payable on February 1, 1992 and semiannually thereafter on each August 1 and February 1. Each Bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated, unless any Bond is (a) authenticated before the first Interest Payment Date following the Closing Date, in which case it shall bear interest from the Closing Date or (b) authenticated upon an Interest Payment Date or after the record date with respect there to, in which case it shall bear interest from such Interest Payment Date; provided, however, that if at the time of authentication of any Bond interest is in default, such Bond shall bear interest from the date to which interest has been paid.

Principal and interest shall be payable in lawful money of the United States of America. Principal shall be payable upon presentation and surrender of the Bonds at the principal corporate trust office of the Bond Registrar. Interest shall be payable by the Paying Agent by check or draft mailed to the registered owners of the Bonds, determined as of the fifteenth (15) day of the month next preceding each Interest Payment Date, at their addresses as they appear on the registration books maintained by the Bond Registrar.

Section 3.3. Redemption of Bonds: The Bonds are not subject to redemption prior to maturity.

Section 3.4. Execution of Bonds: The Bonds shall bear the manual or facsimile signature of the Mayor or Vice Mayor and the City Clerk and shall bear a manually impressed or an imprinted facsimile of the seal of the City. In case any officer whose signature or a facsimile of whose signature shall appear on any Bond shall cease to be such officer before the delivery of the Bond, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Any Bond may bear the facsimile signature of or may be signed by such persons as at the actual time of the execution thereof shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

Section 3.5. Authentication of Bonds: The Bonds shall bear a certificate of authentication, substantially as set forth in the form of the Bond set forth in Exhibit A, duly executed by the Authentication Agent. The Authentication Agent shall authenticate each Bond with the signature of an authorized signatory of the Authentication Agent, but it shall not be necessary for the same signatory to authenticate all of the Bonds. Only such authenticated Bonds shall be entitled to any right or benefit under this resolution, and such certificate on any Bond issued under this resolution shall be conclusive evidence that the Bond has been duly issued and is secured by the provisions of this resolution.

Section 3.6. Form of Bonds: The Bonds shall be in substantially the form set forth in Exhibit A with such appropriate variations, insertions and omissions as shall be consistent with this resolution. The Mayor or Vice Mayor and the City Clerk are hereby authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms.

Section 3.7. Bond Registrar, Paying Agent and Authentication Agent: Sovran Bank, N.A. is hereby appointed Bond Registrar, Paying Agent and Authentication Agent for the Bonds.

Section 3.8. Registration, Transfer and Exchange: The City shall cause books for the registration and transfer of the Bonds to be kept at the principal corporate trust office of the Bond Registrar, and the City hereby instructs the Bond Registrar to keep such books and to make such registrations and transfers under such reasonable regulations as the City or the Bond Registrar may prescribe. Transfer of the Bonds may be registered upon books maintained for that purpose at the office of the Bond Registrar. Prior to due presentment for registration of transfer the Bond Registrar shall treat the registered owner as

the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner.

Upon surrender for transfer or exchange of any Bond at such office, the City shall execute and the Bond Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination for the aggregate principal amount which the registered owner is entitled to receive, subject in each case to such reasonable regulations as the City or the Bond Registrar may prescribe. All Bonds presented for transfer, exchange, redemption or payment (if so required by the City or the Bond Registrar) shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his duly authorized attorney-in-fact or legal representative. The Bond registrar will deliver the new Bond or Bonds not more than seventy-two (72) hours after receipt of the Bonds to be transferred or exchanged together with the written instruments of transfer or authorizations for exchange. No Bond may be registered to bearer.

Neither the City nor the Bond Registrar shall be required to issue, transfer or exchange any Bonds for a period from the fifteenth day of the month next preceding an Interest Payment Date to the next Interest Payment Date.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this resolution and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

Section 3.9. Charges for Exchange or Transfer: No service charge shall be made for any exchange or transfer of Bonds, but the City may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relations thereto.

Section 3.10. Bond Purchase Agreement: The Council hereby determines that it will be in the best interests of the City to sell the Bonds to the Underwriter through a negotiated sale. The terms of the negotiated sale, including the aggregate principal amount of the Bonds, the principal amount of each maturity and the interest rate for each maturity, shall be set forth in the Bond Purchase Agreement. The Bonds are hereby awarded and sold to the Underwriter in accordance with the terms and provisions to be set forth in the Bond Purchase Agreement. The Mayor or Vice Mayor is hereby authorized and directed to execute the Bond Purchase Agreement. The Bond Purchase Agreement is hereby approved in the form submitted to the Council prior to the adoption of this resolution, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof) as may be approved by the Mayor or Vice Mayor, whose approval shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement.

Section 3.11. Preliminary Official Statement: The preparation and distribution by the City Manager of a Preliminary Official Statement of the City dated May 8, 1991, in the form submitted to the Council prior to the adoption of this resolution, describing the Bonds, the security therefor and other information relating to the Bonds and the City, is hereby ratified and approved, and the Mayor or Vice Mayor is hereby authorized and directed to manually execute on behalf of the City, a final Official Statement, appropriately dated, in the form of the Preliminary Official Statement, with appropriate blanks completed in accordance with the terms of the Bonds set forth in the Bond Purchase Agreement and with appropriate completions, insertions, omissions and changes as he shall determine necessary to reflect circumstances occurring between the date of the Preliminary Official Statement and the date of delivery of the Bonds or to otherwise accurately describe the Bonds, the security therefor and the City.

Section 3.12. Disbursement of Proceeds of Bonds: On the Closing Date, all of the proceeds derived from the sale of the Bonds shall be distributed and used as follows:

(a) an amount equal to the amount necessary, together with interest earnings thereon, to pay the principal of, redemption premium and interest on the Prior Bonds maturing on and after August 1, 1992 as and when due shall be deposited into the Escrow Fund; and

(b) the remaining proceeds of the Bonds shall be delivered to the City to be applied to the payment of the costs and expenses of issuing the Bonds.

Any balance of the original proceeds of the Bonds and investment earnings thereon remaining with the City after the payment of the costs and expenses of issuing the Bonds, shall be transferred to a separate bank account held in the name of the City, shall be invested at a yield not to exceed the yield on the Bonds, and, together with any income or earnings thereon, shall be used at the earliest date possible to make a partial payment of the Bonds.

ARTICLE IV

PARTICULAR COVENANTS

Section 4.1. Payment of Bonds: The City shall pay promptly, as provided

herein, the principal of and interest on each of the Bonds. Nothing in the Bonds or in this resolution shall be deemed to create or constitute an indebtedness of the Commonwealth of Virginia or any political subdivision thereof other than the City, or a pledge of the full faith and credit of the Commonwealth of Virginia or of any political subdivision thereof other than the City.

At least one (1) business day prior to any maturity date or Interest Payment Date, the City shall pay to the Paying Agent the amount to be due on such maturity date or Interest Payment Date. The Paying Agent shall, in turn, deliver or mail payment to the Bondholders.

Section 4.2. Tax Rate Covenant: The Council hereby covenants and agrees that so long as any of the Bonds are outstanding, unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Council will levy and collect annually over and above all other taxes authorized or limited by law, an ad valorem tax, without limitation as to rate or amount, on all the taxable property in the City in an amount sufficient to pay principal of and interest on the Bonds as the same become due and payable.

Section 4.3. Maintenance of Tax-Exempt Status:

(a) **No Adverse Action:** The City shall not take any action that would adversely affect the exclusion of interest on Bonds from gross income for federal income tax purposes. The City shall, to the extent permitted by Virginia Law, take all actions necessary to maintain the tax-exempt status of interest on Bonds under federal or Virginia law, including all actions necessary to comply with Section 103 or Sections 141 through 150 of the Code.

(b) **Expenditure of Proceeds:** The City shall proceed with due diligence to apply a portion of the proceeds of the Bonds described in Section 3.12(b) to the payment of the costs and expenses of issuing the Bonds.

(c) **Arbitrage/Investment:** The City shall not take or approve any action, investment or use of the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the regulations thereunder. The City, barring unforeseen circumstances, shall not request or approve the use of the proceeds of the Bonds other than in accordance with the City's "non-arbitrage" certificate delivered in the time of the issuance of the Bonds.

(d) **Rebate:** The City, at its expense, shall take all steps necessary, to cause the requirements of Section 148 of the Code to be complied with, including but not limited to all reporting and rebate requirements. Without limiting the generality of the foregoing, the City, at its sole expense, shall: (i) pay the amount required to be paid to the United States in accordance with the rebate requirement described in Section 148(f) of the Code (the "Rebate Amount"); (ii) determine the Rebate Amount for each Bond Year no later than September 1 of each year and upon payment in full of the Bonds; (iii) retain records of all such determinations until six (6) years after payment in full of the Bonds; and (iv) comply with any similar requirements contained in any regulations of the Internal Revenue Service adopted with respect to Section 148(f) of the Code.

Not later than thirty (30) days after the end of the fifth Bond Year, the City shall cause to be prepared a Certificate (the "Rebate Amount Certificate") setting forth the Rebate Amount, if any, determined to be due to the United States as of such fifth anniversary date and the computation thereof. Not later than forty-five (45) days after each fifth anniversary date described above, the City shall pay to the United States an amount not less than ninety percent (90%) of the Rebate Amount set forth in such Rebate Amount Certificate. Notwithstanding

the foregoing, if no Rebate Amount would be due to the United States, the City shall not be required to prepare a Rebate Amount Certificate.

Not later than thirty (30) days after payment in full of the Bonds, the City shall cause to be prepared a Rebate Amount Certificate setting forth the Rebate Amount, if any, due to the United States upon payment in full of the Bonds. Not later than forty-five (45) days after payment in full of the Bonds, the City shall pay to the United States the amount, if any, by which 100% of the Rebate Amount set forth in such Rebate Amount Certificate exceeds the aggregate of all payments theretofore made pursuant to the preceding paragraph. Notwithstanding the foregoing, if no Rebate Amount would be due to the United States, the City shall not be required to prepare a Rebate Amount Certificate.

Notwithstanding anything to be contrary in this resolution, no payment shall be made by the City to the United States if the City obtains an opinion of bond counsel to the effect that such payment is not required under Section 148 of the Code in order to prevent the Bonds from becoming "arbitrage bonds"

(e) **Information Report:** The City shall file the information report with respect to the Bonds required by Section 149(e) of the Code within the time provided in such Section.

(f) **Not Federally Guaranteed:** The City represents that the Bonds are not and will not be "federally guaranteed," as such term is used in Section 149(b) of

the Code.

(g) Private Use of the Project: The City shall not exceed the private use restrictions for the Project set forth in Section 141 of the Code. Specifically, the City shall not permit more than ten percent (10%) of the Project to be used for Private Business Use (as defined herein) if, in addition, the payment of more than ten percent (10%) of the principal or interest on the Bonds is, directly or indirectly, secured by (i) any interest in property used or to be used for a Private Business Use or (ii) any interest in payments with respect to such property. In addition, in the event that both (A) more than five percent (5%) of the Project is used as described above with respect to Private Business Use and (B) more than five percent (5%) of the principal or interest on the Bonds is secured by Private Business Use property or payments as described above, then the excess over such five percent (5%) shall be used for a Private Business Use related to the governmental use of the Project. For purposes of this subsection "Private Business Use" means use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local governmental unit and excluding use as a member of the general public.

ARTICLE V

DEFEASANCE

Section 5.1 Discharge upon Payment of Bonds: If the Bonds shall have become due and payable in accordance with their terms or shall have been fully refunded from the proceeds of refunding bonds issued by the City and the full amount of the principal and interest so due and payable upon Bonds then outstanding shall have been paid, or sufficient moneys or direct obligations of the United States of America shall be held by the Paying Agent for such purpose, at the time and in the manner provided therein and in this resolution, then all covenants, agreements and other obligations of the City to the holders of the Bonds under this resolution shall cease, terminate and be void and the City shall

be discharged from its obligations hereunder. In such event all moneys and securities not required for the payment of the principal and interest on the Bonds, may be used by the City for any lawful purpose.

ARTICLE VI

MISCELLANEOUS

Section 6.1. Contract with Bondholders: The provisions of this resolution shall constitute a contract between the City and the Bondholders for so long as any of the Bonds are outstanding. Notwithstanding the foregoing, this resolution may be amended by or on behalf of the City without the consent of or notice to the Bondholders in such a manner as does not, in the opinion of the Paying Agent, materially and adversely affect the Bondholder or the Paying Agent. No such amendment shall be effective unless there shall have been filed with the City and the Payment agent an opinion of counsel acceptable to the Paying Agent stating that such amendment is authorized or permitted by this resolution and complies with its terms and will not affect the tax-exempt status of interest payable on the Bonds.

Section 6.2. Authority of Officers and Agents: The employees, officers and agents of the City shall do all acts and things required of them by this resolution and the Bonds for the complete and punctual performance of all the terms, covenants and agreements contained herein and therein. The appropriate employees, officers and agents of the City are further authorized and empowered to take such other action as they may consider necessary or desirable to carry out the intent and purpose of this resolution, and the issuance of the Bonds.

Section 6.3. Limitation of Liability of Officials of the City: No covenant, condition or agreement contained herein shall be deemed to be a covenant, agreement or obligation of an employee, officer or agent of the City in his or her individual capacity, and no employee, officer or agent of the City executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No employee, officer or agent of the City shall incur any personal liability with respect to any other action taken by him or her pursuant to this resolution, provided he or she acts in good faith.

Section 6.4. Condition Precedent: Upon the issuance of the Bonds, all acts, conditions and things required by the Charter, the Constitution and statutes of the Commonwealth of Virginia, including the Act, or this resolution to have happened, exist and to have been performed precedent to or in the issuance of the Bonds shall have happened, exist and have been performed.

Section 6.5. Non-Arbitrage and Other Certificates: The Mayor, the Vice Mayor, the City Clerk, the City Manager and such other officers as may be requested are hereby authorized to sign appropriate certificates setting forth, among other things, the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and regulations issued pursuant thereto, applicable to "arbitrage bonds". The City Manager is hereby authorized to sign

an Internal Revenue Service Form 8038-G relating to the Bonds.

Section 6.6 Headings" Any headings in this resolution are solely for convenience of reference and shall not constitute a part of the resolution nor shall they affect its meaning, construction or effect.

Section 6.7. Severability: If any court of competent jurisdiction shall hold any provision of this resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

Section 6.8. Effective Date: This resolution shall take effect immediately. All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed.

Section 6.9. Filing of Resolution and Publication of Notice: The City Manager is hereby authorized and directed to see to the immediate filing of a certified copy of this resolution with the Circuit Court of the County of Rockingham, Virginia and within ten days thereafter to cause to be published once in a newspaper having general circulation in the City a notice setting forth the purpose for which the Bonds are to be issued and the amount of the Bonds.

Presented April 23, 1991
Approved April 30, 1991

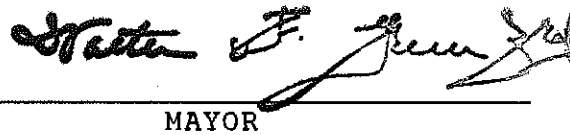


Mayor of the City of
Harrisonburg, Virginia

City Clerk of the City of
Harrisonburg, Virginia

Vice Mayor offered a motion that the resolution be approved for a second and final reading. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council Members present. Manager Milam stated that the estimated savings to the city is one to one and half million dollars, with some of the savings being reflected in next year's sanitation budget for capital improvements.

At 11:35 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK
MAYOR

REGULAR MEETING
MAY 14, 1991

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; and Chief of Police Richard Presgrave. Absent City Auditor Peterman.

Minutes of the regular meeting held on April 23, 1991, approved as corrected. Minutes of the special meeting held on April 30, 1991, approved as read.

✓ Senator Kevin Miller presented Ms. Emily R. Dingledine with a resolution which was passed by the General Assembly in honor and recognition of the late Dr. Raymond C. Dingledine, Jr.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of April, 1991.

From the Police Department - A report of fines and costs collected - \$5,324.00; cash collected from street parking meters - \$7,140.03; total cash collected and paid on accounts and turn over to the City Treasurer - \$12,464.03.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of April, 1991, in the amount of \$777.02.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of April, 1991.

✓ Ms. Betty S. Redmond, nurse manager of the Central Shenandoah Health District, was present in the meeting and gave a brief report on the nursing activities at the Harrisonburg-Rockingham County Health Department.

✓ City Manager Milam read the following extract from minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, April 30, 1991:

Under old business, the first item which Chairman Rhodes introduced was the Commission's study which City Council had requested of the City's truck route and the possibility of two-way traffic on Wolfe Street from Main to North High. Jim Baker reported that his Department had "tested" the possibility of two-way traffic on Wolfe Street by using dump trucks from his department. There were no apparent conflicts noticed during this test and Mr. Baker did not believe that two-way traffic would impair traffic safety in the area. Following a discussion in which Commission members noted that the volume of traffic in the downtown area which had once necessitated the one-way

pattern has been reduced in recent years and that rerouting tractor trailer traffic from Bruce and Wolfe Streets did not appear to improve safety. Secretary Tamkin made the motion that the Commission recommend to Council that two-way traffic be instituted on Wolfe Street between North Main and North High Streets and that the current truck route be left intact. The motion was seconded by Ralph Smith and carried by unanimous vote of the Commission.

Council Member Heath offered a motion that the City Manager be authorized to make the changes as recommended by the Transportation Safety Commission. The motion was seconded by Vice-Mayor Rhodes, and approved with a majority vote of Council with Council Member Kite abstaining from voting.

✓ City Manager Milam read the following extract taken from the minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, April 30, 1991:

Chairman Rhodes introduced an extract from City Council requesting the Commission to study "concerns about the right turn on red light at the corner of Main and Market Street with the walk light possibly being a safety hazard to pedestrians." Following a discussion of this and other intersections in the downtown area, Chief Presgrave motioned that the following recommendations be made to City Council.

1. That right turn on red be prohibited on East Market at Main St. so as to improve pedestrian safety.
2. That right turn on red be prohibited on East Water at Main Street due to poor visibility.
3. That left turn on red be prohibited on Main Street at West Water Street due to poor visibility.

The motion was seconded by Julius Ritchie and carried by unanimous vote of the Commission.

Council Member Kite offered a motion that the City Manager be authorized to make the changes as recommended by the Transportation Safety Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Milam called Council's attention to their copies of the proposed Appropriation Ordinance for the City's 1991-92 Budget, balanced in gross amount of \$62,366,433.00. Manager Milam requested approval of the Ordinance for a first reading, as well as authorization to publish for informative fiscal planning purposes a synopsis of the proposed budget in the Daily News Record newspaper. Manager Milam explained that the synopsis is a summary of the nine different funds showing the budget for the current year and the proposed budget for the 1991-92 fiscal year along with the increases and decreases between these amounts. For Council's information Manager noted that the classification of several taxes is located at the bottom of this publication and the current rate for real estate is 72 cents per 100 assessed value with the proposed rate being 58 cents per 100 assessed value. Manager Milam further noted that personal property taxes and machinery and tools taxes will remain the same at \$1.50. Vice-Mayor Rhodes offered a motion that the appropriation ordinance be approved for a first reading and that a budget work session be scheduled with Council being notified of the date and time of the session. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council. Council Member Heath offered a motion that authorization be granted the City Manager to publish a synopsis of the proposed budget in the Daily News Record along with a public hearing date for Tuesday, May 28, 1991, 7:30 p.m. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ City Manager Milam called Council's attention to their copies of the General District Court Audit for the year ended June 30, 1990, and noted that copies are available in the Manager's Office for public inspection.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 16-1-2 of the City Code - Punishment for conviction of misdemeanor. Following comments from City Attorney Thumma, Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 10-4-21 of the City Code - Erosion and Sedimentation

Control. Council Member Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented and read the following resolution for Council's consideration of approval:

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF ROCKINGHAM, VIRGINIA
AND THE COUNCIL OF THE
CITY OF HARRISONBURG, VIRGINIA

WHEREAS, the Rockingham County Board of Supervisors and the Harrisonburg City Council have duly considered the recommendations of a joint study committee which recommends the construction of a joint regional jail facility as contemplated under Section 53.1-81 of the Code of Virginia, 1950, as amended, and

WHEREAS, both Governing Bodies have determined it to be in their best interest to join in this resolution requesting the Department of Corrections to obtain funding from the General Assembly of Virginia to provide the state share of construction costs as provided in Section 53.1-83 of the Code of Virginia, 1950, as amended, and

WHEREAS, both Governing Bodies have entered into an agreement, dated October 9, 1990, to construct said joint regional jail facility, now

THEREFORE BE IT RESOLVED, that the County of Rockingham, Virginia and the City of Harrisonburg, Virginia agree as follows:

- 1 - They shall participate jointly in this regional jail facility.
- 2 - The number of beds in this regional jail facility shall be two hundred twenty-eight (228).
- 3 - The estimated cost of this regional jail facility is \$14,210,430.
- 4 - They will share equally in the cost of construction of this regional jail facility,
- 5 - They have been and will continue to share equally in the incidental development and study cost.

BE IT FURTHER RESOLVED, that the County of Rockingham, Virginia and the City of Harrisonburg, Virginia shall participate in this regional jail facility and they hereby request the State Board of Corrections to take the necessary steps to provide for reimbursement as soon as possible.

COUNTY OF ROCKINGHAM

CITY OF HARRISONBURG

Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Council Member Heath moved that a supplemental appropriation in the amount of \$10,907.26 requested by Chief of Police Presgrave to recover money received for off-duty overtime repair of vehicles, drug forfeiture and sale of bicycles and reloading equipment be approved for a second and final reading, a first reading having been approved on April 23, 1991, and that:

\$10,907.26 chgd. to: 1-1900-1901.01 recoveries &
rebates

2,979.38 approp. to: 1-1-3101-1-0-1004.07 special police
4,557.39 approp. to: 1-1-3101-2-0-3004.03 maint. & repair
auto equip.
1,253.54 approp. to: 1-1-3101-2-0-5413.01 other operating
expenses
2,116.95 approp. to: 1-1-3101-2-0-5802.02 drug forfeiture

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Rhodes offered a motion that a supplemental appropriation in the amount of \$4,557.50 for return of "One for Life" funds from the State, be approved for a second and final reading, a first reading having been approved on April 23, 1991, and that:

\$4,557.50 chgd. to: 1-2400-2404.02.00 - Office of
Emergency Services

4,557.50 approp. to: 1-1-3505-2-0-5413.01 - Other
operating expenses

The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's final consideration of approval the following supplemental resolution regarding the issuance of General Obligation Refunding Bonds, Series 1991, by the City of Harrisonburg:

The City Council of the City of Harrisonburg, Virginia (the "Council") adopted a Resolution on April 30, 1991, entitled "Resolution Authorizing the Issuance, Sale and Award by the City of Harrisonburg, Virginia, of its General Obligation Refunding Bonds, Series 1991, in an Aggregate Principal Amount not to Exceed \$12,000,000" (the "Resolution").

The actual principal amount of the General Obligation Refunding Bonds, Series 1991 (the "Bonds") to be issued by the City of Harrisonburg, Virginia (the "City") pursuant to the Resolution is to be an amount sufficient to refund the Prior Bonds (as defined in the Resolution) maturing on and after August 1, 1992 and to pay the cost of issuing the Bonds. That actual principal amount has now been determined to be \$11,360,000.

In accordance with the Resolution, the actual principal amount of each maturity of the Bonds is to be an amount that will provide the City with approximately level payments of debt service in each year. Such principal amounts have now been determined to be as shown on the schedule set forth below.

In accordance with the Resolution, the actual interest rates on the Bonds are not to yield a true interest cost in excess of eight percent (8%) per year. Such interest rates have now been determined to be as shown on the schedule set forth below. As shown below, the true interest cost on the Bonds is 6.025908%

The Resolution authorized the Mayor or Vice Mayor to set the aggregate principal amount of the Bonds, the principal amount of each maturity and the interest rate for each maturity within certain parameters. The amounts and rates set forth below are opportunity to ratify such amounts and rates.

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

1. Aggregate Principal Amount and Payment Schedule. The Aggregate principal amount of the Bonds shall be \$11,360,000. The Bonds shall mature on August 1 in the years and shall bear interest at the rates per year, as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
1992	\$ 875,000	4.60%
1993	920,000	5.00
1994	975,000	5.30
1995	1,025,000	5.55
1996	1,085,000	5.70
1997	1,145,000	5.80
1998	1,215,000	5.90
1999	1,290,000	6.00
2000	1,370,000	6.10
2001	1,460,000	6.20

2. Effect of Supplemental Resolution. This Supplemental Resolution supplements the Resolution. The Resolution remains in full force and effect, as supplemental hereby.

3. Effective Date. This Supplemental Resolution shall take effect immediately upon its adoption.

Adopted: May 14, 1991

Clerk, City Council of
the City of Harrisonburg, VA

Manager Milam noted that the price quotations have been accepted by the underwriters and called Council's attention to the pricing schedule. Manager Milam also noted that the total savings to the City is \$1,046,650, and that the City was awarded a rating of A from Standard and Poor's Corporation and a rating of A1 from Moody's Investor Service. Following further comments, Council Member Kite offered a motion that the supplemental resolution be approved. The motion was seconded by Council Member Heath and approved with a unanimous recorded vote of Council.

✓ Manager Milam reviewed for Council's consideration the bid tabulations for the 30-inch sewer line along South Main Street. Manager Milam noted that this sewer line will parallel an existing 24-inch sewer line. Manager Milam explained that following a study done several years ago, the City pledged to the State Water Control Board that over a seven year time period the City would upgrade the center City's sewer system. Manager Milam further noted that the City engineers they have checked out the apparent low bidder, which is D.L.B., and it is recommended that the base contract be awarded to this contractor. Manager Milam called Council's attention to the bid bond, bid form and reference material. Council Member Heath offered a motion that the base contract be awarded to D.L.B. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A representative of CWA Local 2275 explained that due to the Contel/GTE merger there is a proposal to centralize services within the southeastern area of the United States, and that due to this proposal, there is a potential loss of 45 jobs in the Harrisonburg area. It is the union's opinion that centralizing these offices in Florida, Kentucky and Alabama is going to affect

services and it is also the union's opinion, that the loss of these jobs could seriously affect the local economy. Following further comments, the representative requested that City Council's support the union's goal of being able to continue to provide this area with outstanding services.

✓ Ms. Ruth Deskins, of the Harrisonburg Rockingham Convention and Business Bureau, was present in the meeting to acknowledge and express appreciation to the City Council for allowing the banner to be placed across main street for the Tour DuPont. Ms. Deskins reaffirmed that the organizers of the race are entirely responsible for any insurance related liabilities. Ms. Deskins also expressed appreciation to Council Member Dingledine for agreeing to travel to Winchester to present the award to the winner of the Harrisonburg sprint line.

✓ Vice-Mayor Rhodes noted that he received a letter from the residents of Eastover and Cardinal Drive, and noted that the situation in that area is pretty bad. Vice-Mayor Rhodes noted that he informed Mr. Mauzy that the property involved is private property and is probably something the property owners will have to handle. Manager Milam stated that the area was cleaned some time ago but noted that the city will make an effort to re-clean the area.

At 8:30 p.m., Council Member Dingledine moved that Council enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Harrisonburg Redevelopment & Housing Authority, the Building Code Board of Appeals, the Rockingham-Harrisonburg ASAP Commission and the Industrial Development Authority exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consultation with the City Attorney pertaining to pending litigation, exempt from

the public meeting requirements pursuant to Section 2.1-344(7) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 9:15 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

↓ Mayor Green asked Council wishes concerning three appointments to the Industrial Development Authority. Vice-Mayor Rhodes offered a motion that Mr. Howard E. Beierle, of 1104 Ridgewood Road, be appointed to the authority for a first term of four years expiring on April 24, 1995. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council. Council Member Dingleline offered a motion that Mr. Thomas Edgar (Ed) Sipe, of 1360 Sparrow Court, be appointed to the authority for a first term of four years expiring on April 24, 1995. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council. Council Member Kite offered a motion that Donald L. Thompson of 426 Fairway Drive, be appointed to the authority for a first term of four years expiring on April 24, 1995. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

↓ Mayor Green asked Council's wishes concerning an appointment to the Building Code Board of Appeals inasmuch as Mr. James W. Gilkeson's second term expired on November 30, 1990. Vice-Mayor Rhodes offered a motion that Mr. Carl B. Harman, of 1848 North College Avenue be appointed to the Building Code Board of Appeals for a first term of five years expiring on November 30, 1995. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

At 9:20 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Indy M. Gray
CLERK

Walter B. Green
MAYOR

REGULAR MEETING

MAY 28, 1991

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on May 14, 1991, approved as read.

↓ City Manager Milam presented and read a letter from the City Manager of Winchester stating that the Braddock House, which is a home for delinquent boys, will close on June 7, 1991. Manager Milam noted that currently the City has paid \$7,155, to the home and another \$17,000 was budgeted in an effort to keep the home operating while waiting on additional help from the State which did not arrive. Manager Milam stated that in the proposed budget \$24,200 was allocated to support the home for the fiscal year 91-92. Manager Milam noted that the Council agreed to move a portion of this money to the Police Department, with a balance still in the account to be used for some other purpose.

✓ At 7:45 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam reviewed the budget synopsis, which appeared in the Daily News Record on May 16, 1991, and read the following notice of public hearing:

NOTICE IS HEREBY GIVEN, that a Public Hearing on said budget as submitted and amended will be held in the Council Chamber in the Municipal Building, at 7:30 p.m. on the 28th day of May, 1991, at which meeting the said budget will be further acted upon by the Council. All citizens are invited to attend and provide the Council with written and oral comments and ask questions concerning the City's entire proposed budget. The proposed budget summarized above can be inspected by the public from 8:30 a.m. until 5:00 p.m., Monday through Friday in the City Manager's Office, second floor, Municipal Building

Marvin B. Milam

Following a review of the budget synopsis which appeared in the Daily News Record on May 16, 1991, and a review of the proposed tax rate, Mayor Green called on anyone present desiring to speak concerning the proposed budget. There being no one present desiring to be heard the public hearing was declared closed and the regular session reconvened.

✓ City Manager Milam presented and read for Council's consideration of a second and final reading the appropriation ordinance for the fiscal year ending June 30, 1992. Following the reading of the ordinance, Council Member Heath offered a motion for the appropriation ordinance to be approved for a second and final reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council. Manager Milam noted that there is a proposed 40 cents reduction in the refuse collection. Manager Milam explained that currently there are 6,067 customers paying \$7.00 for refuse collection, and out of these 6,067 there are 2,636 residents paying the minimum of \$16.90 per month. Manager Milam explained that the proposal is to reduce the \$16.90 to \$16.50 which will impact on the 6,067 residents. Manager Milam stated that this reduction will result in a \$2,427 per month loss in revenue. Manager Milam noted that the reason for this proposal is so that a portion of the savings the City will experience next year due to the refunding of the bond issue can be passed on to the residents of the City. Following further comments, Vice-Mayor Rhodes offered a motion that the proposed reduction of 40 cents in refuse collection fees be approved. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council. (Ordinance follows these minutes)

✓ City Manager Milam presented the following resolution for Council's consideration of approval.

WHEREAS, on September 11, 1984, the City Council of the City of Harrisonburg, VA., after a public hearing conducted by the Harrisonburg Redevelopment and Housing Authority, approved an issue of tax-exempt Multi-Family Housing Revenue Bonds, Series 1984 (Dale Forest apartments Project) (the "Bonds"), in the amount of \$13,000,000 by the Authority, to assist Dale Forest Associates Limited Partnership (the "Developer") in acquiring and constructing a multi-family apartment complex consisting of a multi-family apartment project of approximately 264 units located at the intersection of Darbydale Avenue and Minnieville Road in the Dale City area of Prince William County, Virginia; and

WHEREAS, the developer has requested the Authority to issue its tax-exempt multi-family housing revenue refunding bonds (the "Refunding Bonds") in an amount not to exceed \$13,000,000 to refund the Bonds; and

WHEREAS, the average maturity of the Refunding Bonds, as proposed, will be later than the average maturity of the Bonds, and under such

circumstances the Tax Reform Act of 1986 and Section 147 of the Internal Revenue Code of 1986, as amended (the "Code") require new public hearing on and approval of the Refunding Bonds in order for the Refunding Bonds to be tax exempt; and

WHEREAS, the Authority has held a public hearing on May 15, 1991, on the Developer's request to the Authority to issue the Refunding Bonds; and

WHEREAS, the Authority has recommended that the Council approve the issuance of the Refunding Bonds to comply with Section 147(f) of the Code; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Refunding Bonds, a record of the public hearing and a "fiscal impact statement" with respect to the Project have been filed with the Council;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA;

1. The Council hereby approves the issuance of the Refunding Bonds by the Authority for the benefit of the Developer to the extent required by Section 147(f) of the Code.

2. Approval of the issuance of the Refunding Bonds, as required by Section 147(f) of the Code, doe snot constitute an endorsement of the Refunding Bonds or the creditworthiness of the Developer. The Refunding Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Refunding Bonds or the interest thereon or other costs incident there to except from the revenues and moneys pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or the City shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

WITNESS my hand and the seal of the City Council of the City of Harrisonburg, Virginia, this 28th day of May, 1991.

City Clerk

Following comments from Mr. Jim Sipe, attorney for the Housing Authority, and assurance from him that this does not pledge the credit of the City, the Authority or the State in anyway, Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam called Council's attention to a letter from the Department of Housing and Community Development stating that they have reviewed the final audit and all other items relating to the Community Improvement Grant Program (Ridgeville) and have determined that all activities have been carried out according to the grant contract and all grant requirements have been satisfied.

✓ City Manager Milam presented for Council's information a letter from the Department of Health & Human Services stating that they have completed their review of the organization-wide audit report on the City for the period July 1, 1989 through June 30, 1990, and believe that the audit meets all Federal requirements.

✓ Planning Director Sullivan requested that action on the final plan of Harmony Heights Subdivision, Section 7, be delayed because it involves a pump station, and the work of the engineers has not been completed.

↓ City Manager Milam presented and read a letter from City Treasurer Beverly Miller requesting authorization to charge the following outstanding checks off of the City books:

First Virginia Bank	\$4,635.86
Dominion Bank	4,907.26

City Auditor Peterman noted that these are checks that were written several years ago and never cashed. Mr. Peterman further noted that if the people put claims in for these checks after they are charged off they will still get paid. Vice-Mayor Rhodes offered a motion that the City Treasurer be given authorization to charge off the above referenced checks. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

↓ City Manager Milam presented and read a letter from City Treasurer Miller requesting authorization to charge the following delinquent personal property taxes off of the City books:

1986	\$13,198.85
1987	10,800.76
1988	20,368.56

Council Member Heath questioned the methods of collection used to collect the delinquent taxes. City Auditor Peterman noted that the City Treasurer uses the set off debt collection procedure, where if someone files to get a refund on their State income taxes and owes the City money, the City will get its money from the set off debt. Manager Milam further noted that the Treasurer also uses the Sheriff and exhausts his attempts to find these persons. Council Member Heath offered a motion that the City Treasurer be granted permission to write off the outstanding delinquent personal property taxes. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read a letter from City Treasurer Beverly Miller requesting authorization to establish a change fund in the amount of \$150.00, due to the increasing number of returned checks from the bank for insufficient funds. Following comments, Council Member Dingledine offered a motion that the City Treasurer be granted permission to establish this fund. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam presented a request from Assistant City Manager, Roger Baker for approval of a transfer of funds in the amount of \$53,951.86 from the General Fund to the Community Development Revolving Fund to close out the Ridgeville Project. Council Member Heath moved that the transfer be approved, and that:

\$53,951.86 trans. from: General - unappropriated fund
balance

53,951.86 trans. to: Community Development Revolving Fund

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented a request from Transportation Director Smith for approval of a transfer of funds in the amount of \$150,000.00 due to insufficient funds for payrolls and depreciation. Council Member Heath offered a motion for the appropriation to be approved for a first reading, and that:

\$150,000 trans. from: General - unappropriated fund
balance

150,000 trans. to: Transportation - Unappropriated fund
balance

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Transportation Director Smith for approval of a supplemental appropriation in the amount of \$150,000 due to the negotiated JMU contract - generated cost and 80,000 additional revenue, additional school buses, and depreciation exceeded budget. Council Member Heath offered a motion for the appropriation to be approved for a first reading, and that:

\$150,000 chdg. to: Transportation - Unappropriated fund
balance

26,000 approp. to: 01-81-01-1009.09 Transit Operators
50,000 approp. to: 01-82-01-1009.11 School bus operator
59,000 approp. to: 01-82-02-581001 Depreciation
15,000 approp. to: 01-83-01-1009.12 Taxi Operators

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Lester Seal, Director of Accounting for approval of a supplemental appropriation in the amount of \$39,033.00 to budget for the proceeds to be received from the refunding bond issue. The proceeds are to be used to pay the cost of the bond issue ie. bond counsel fees, rating agencies fees, escrow agent fees, etc. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$39,033 chdg. to: 09-1900-190103-00 Proceeds from bond
issue

39,033 approp. to: 09-03-0098-00-0-008602 Refunding bond
cost

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Chief of Police Presgrave for approval of a supplemental appropriation in the amount of \$9,000.00 due to an increase in court

appointed attorneys' fees which caused short fall in category. Council Member Dingleline offered a motion that the appropriation be approved for a first reading, and that:

\$9,000.00 chgd. to: General - Unappropriated surplus
9,000.00 approp. to: 1-1-3302-2-0-3302.02 Court appointed attorneys

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$94,027.67 for donations and reimbursements. Council Member Dingleline offered a motion that the appropriation be approved for a first reading, and that:

\$ 579,67 chgd. to: 1-1900-1901.01 Recoveries and rebates
76,174,00 chgd. to: 1-1900-1901.01 Recoveries and rebates
240.00 chgd. to: 1-1900-1901.01 Recoveries and rebates
490.00 chgd. to: 1-1900-1901.01 Recoveries and rebates
950.00 chgd. to: 1-1900-1901.01 Recoveries and rebates
730.00 chgd. to: 1-1900-1901.01 Recoveries and rebates
1,665.10 chgd. to: 1-1900-1901.01 Recoveries and rebates
9,038.85 chgd. to: 1-1900-1901.01 Recoveries and rebates
4,160.05 chgd. to: 1-1900-1901.01 Recoveries and rebates

10,500.00 approp. to: 1-1-3201-1-0-1005.06 Dispatchers
20,000.00 approp. to: 1-1-3201-1-0-1050.01 Other personal services
6,500.00 approp. to: 1-1-3201-1-0-5400.01 Other materials and supplies
4,500.00 approp. to: 1-1-3201-1-0-5408.01 Gas, Lube, tires
16,000.00 approp. to: 1-1-3201-1-0-3004.03 Maint. & Repair Auto equip.
2,700.00 approp. to: 1-1-3201-1-0-5500.01 Travel
4,050.00 approp. to: 1-2-3201-0-0-7001.03 Equipment
14,777.67 approp. to: 1-2-3201-0-0-7005.00 Motor vehicle & equip.
15,000.00 approp. to: 1-2-3201-0-0-7006.01 Fire Programs fund

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Council Member Heath offered a motion that in future years, upon motion of the Council, the appropriation ordinance be referred to by title and amount only for entry in the minutes after each Council Member confirms that he or she has read the document and that persons in the audience be given a copy of the ordinance upon request. Furthermore, this action be preceded by a statement from the City Manager that the appropriation ordinance was prepared from the figures shown in the budget workpapers as previously studied by the Member of Council. Following discussion, the motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Council Member Heath offered a motion that Council hold a work session for the budget prior to the first reading of the appropriation ordinance so the changes can be made without having to readvertise the public hearing. Following lengthy discussion, Council Member Heath withdrew his motion, and Mayor Green stated that the suggestion will be looked into in the future.

Manager Milam stated that a public hearing has been set for June 25, 1991, to hear the rezoning request on South Main Street by Black Diamond Bank.

At 9:15 p.m., there being no further business, and on motion adopted the meeting was adjourned.

Judy M. Gray
CLERK

Stanton B. Green
MAYOR

A P P R O P R I A T I O N O R D I N A N C E
OF THE CITY OF HARRISONBURG, VIRGINIA

For the Fiscal Year Ending June 30, 1992

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1992. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; 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

That the following sums of money be and the same hereby are appropriated for the general government purposes herein specified for the fiscal year ending June 30, 1992:

Paragraph One - City Council and Clerk (1101)

For the current expenses and capital outlay of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred thousand, five hundred thirty-one dollars and no cents (\$100,531.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$59,281.00
(2) Other Operating Expenses	37,950.00
(3) Capital Outlay	3,300.00

Paragraph Two - Office of City Manager (1201)

For the current expenses and capital outlay of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of one hundred sixteen thousand, eight hundred forty-five dollars and no cents (\$116,845.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$93,060.00
(2) Other Operating Expenses	21,785.00
(3) Capital Outlay	2,000.00

Paragraph Three - Office of City Attorney (1204)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of forty-four thousand, eight dollars and no cents (\$44,008.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 42,608.00
(2) Other Operating Expenses	1,400.00

Paragraph Four - City Auditor (1207)

For the current expenses and capital outlay of the CITY AUDITOR, a division of the General and Financial Administration, the sum of one hundred sixty-five thousand, nine hundred fifty-five dollars and no cents (\$165,955.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$124,925.00
(2) Other Operating Expenses	38,030.00
(3) Capital Outlay	3,000.00

Paragraph Five - Independent Auditor (1208)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of twenty-five thousand, four hundred ten dollars and no cents (\$25,410.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 25,410.00
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Paragraph Six - Commissioner of Revenue (1209)

For the current expenses and capital outlay of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of two hundred thousand, three hundred sixteen dollars and no cents (\$200,316.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$160,466.00
(2) Other Operating Expenses	35,850.00
(3) Capital Outlay	4,000.00

Paragraph Seven - Board of Real Estate Assessors (1210)

For the current expenses of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of thirty-nine thousand, six hundred fifty dollars and no cents (\$39,650.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	35,000.00
(2) Other Operating Expenses		4,650.00

Paragraph Eight - Board of Equalization (1211)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of six thousand dollars and no cents (\$6,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	5,000.00
(2) Other Operating Expenses		1,000.00

Paragraph Nine - City Treasurer (1213)

For the current expenses and capital outlay of the CITY TREASURER, a division of the General and Financial Administration, the sum of two hundred twelve thousand, five hundred ninety-two dollars and no cents (\$212,592.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	158,092.00
(2) Other Operating Expenses		50,500.00
(3) Capital Outlay		4,000.00

Paragraph Ten - Accounting Department (1214)

For the current expenses of the CERTIFIED PUBLIC ACCOUNTANT, a division of the General and Financial Administration, the sum of sixty-one thousand, seventy-six dollars and no cents (\$61,076.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	55,246.00
(2) Other Operating Expenses		5,830.00

Paragraph Eleven - Retirement Board (1217)

For the current expenses and contributions of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of one million, four hundred twenty-six thousand, six hundred twenty dollars and no cents (\$1,426,620.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees		\$1,426,620.00
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Paragraph Twelve - Data Processing (1220)

For the current expenses and capital outlay of the DATA PROCESSING, a division of the General and Financial Administration, the sum of two hundred sixty-seven thousand, eight hundred seventy-seven dollars and no cents (\$267,877.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	117,184.00
(2) Other Operating Expenses		93,446.00
(3) Capital Outlay		57,247.00

Paragraph Thirteen - Purchasing Agent (1222)

For the current expenses and capital outlay of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of one hundred one thousand, seven hundred ten dollars and no cents (\$101,710.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	83,390.00
(2) Other Operating Expenses		16,320.00
(3) Capital Outlay		2,000.00

Paragraph Fourteen - Delinquent Tax Collector (1224)

For the current expenses of the DELINQUENT TAX COLLECTOR, a division of the General and Financial Administration, the sum of seventeen thousand dollars and no cents (\$17,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	16,000.00
(2) Other Operating Expenses		1,000.00

Paragraph Fifteen - Electoral Board and Officials (1301)

For the current expenses and capital outlay of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of sixty thousand, six hundred twelve dollars and no cents (\$60,612.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 47,907.00
(2) Other Operating Expenses	9,705.00
(3) Capital Outlay	3,000.00

Paragraph Sixteen - Juvenile & Domestic Relations Court (2105)

For the current expenses and capital outlay of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Administration, the sum of fifteen thousand, eight hundred dollars and no cents (\$15,800.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 11,300.00
(2) Capital Outlay	4,500.00

Paragraph Seventeen - County Court (2111)

For the current expenses of the COUNTY COURT, a division of the Judicial Administration, the sum of one thousand, two hundred dollars and no cents (\$1,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 1,200.00
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Paragraph Eighteen - Lunacy Commission (2112)

For the current expenses of the LUNACY COMMISSION, a division of the Judicial Administration, the sum of eight hundred twenty-five dollars and no cents (\$825.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 800.00
(2) Other Operating Expenses	25.00

Paragraph Nineteen - Police Department (3101)

For the current expenses and capital outlay of the POLICE DEPARTMENT, a division of the Department of Public Safety, the sum of one million, nine hundred eleven thousand, six hundred twenty dollars and no cents (\$1,911,620.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,468,610.00
(2) Other Operating Expenses	310,010.00
(3) Capital Outlay	133,000.00

Paragraph Twenty - Fire Department (3201)

For the current expenses and capital outlay of the FIRE DEPARTMENT, a division of the Department of Public Safety, the sum of one million, four hundred six thousand, one hundred seventy-seven dollars and no cents (\$1,406,177.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,026,362.00
(2) Other Operating Expenses	263,300.00
(3) Capital Outlay	116,515.00

Paragraph Twenty-One - City and County Jail (3302)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of four hundred seven thousand, five hundred two dollars and no cents (\$407,502.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 14,102.00
(2) Other Operating Expenses	393,400.00

Paragraph Twenty-Two - Building Inspection (3401)

For the current expenses and capital outlay of the BUILDING INSPECTION, a division of the Department of Public Safety, the sum of two hundred one thousand, eight hundred seventy-five dollars and no cents (\$201,875.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 180,025.00
(2) Other Operating Expenses	19,850.00
(3) Capital Outlay	2,000.00

Paragraph Twenty-Three - Game Warden (3502)

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For the current expenses of the GAME WARDEN, a division of the Department of Public Safety, the sum of twenty-eight thousand, nine hundred sixty dollars and no cents (\$28,960.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 4,110.00
(2) Other Operating Expenses	24,850.00

Paragraph Twenty-Four - Coroner (3503)

For the current expenses of the CORONER, a division of the Department of Public Safety the sum of one thousand dollars and no cents (\$1,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,000.00
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Paragraph Twenty-Five - Emergency Services (3505)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of one hundred eighteen thousand, nine hundred seventy-four dollars and no cents (\$118,974.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,050.00
(1) Other Operating Expenses	117,924.00

Paragraph Twenty-Six - General Engineering (4101)

For the current expenses and capital outlay of the GENERAL ENGINEERING, a division of the Department of Public Works, the sum of one hundred sixty-seven thousand, seven hundred twenty-four dollars and no cents (\$167,724.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 143,104.00
(2) Other Operating Expenses	23,120.00
(3) Capital Outlay	1,500.00

Paragraph Twenty-Seven-Street Inspection, Repairs & Maint. (4102)

For the current expenses and capital outlay of the STREET INSPECTION AND MAINTENANCE, a division of the Department of Public Works, the sum of two million, seven hundred forty-five thousand, five hundred fifty-five dollars and no cents (\$2,745,555.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 831,855.00
(2) Other Operating Expenses	1,168,200.00
(3) Capital Outlay	745,500.00

Paragraph Twenty-Eight - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of four hundred seven thousand, four hundred dollars and no cents (\$407,400.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 407,400.00
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Paragraph Twenty-Nine - Traffic Engineering (4107)

For the current expenses and capital outlay of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of four hundred sixty-five thousand, seven hundred seventy-nine dollars and no cents (\$465,779.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 129,729.00
(2) Other Operating Expenses	136,050.00
(3) Capital Outlay	200,000.00

Paragraph Thirty - Highway & Street Beautification (4108)

For the current expenses and capital outlay of the HIGHWAY & STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of one hundred forty-two thousand, three hundred ninety-three dollars and no cents (\$142,393.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 103,293.00
(2) Other Operating Expenses	28,900.00
(3) Capital Outlay	10,200.00

Paragraph Thirty-One - Street Cleaning (4202)

For the current expenses and capital outlay of the STREET CLEANING, a division of the Department of Public Works, the sum of two hundred fifty-six thousand, six hundred twenty-eight dollars and no cents (\$256,628.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 100,578.00
(2) Other Operating Expenses	125,050.00
(3) Capital Outlay	31,000.00

Paragraph Thirty-Two - Insect and Rodent Control (4206)

For the current expenses of the INSECT AND RODENT CONTROL, a division of the Department of Public Works, the sum of fifty-six thousand, two hundred thirty dollars and no cents (\$56,230.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 14,000.00
(2) Other Operating Expenses	42,230.00

Paragraph Thirty-Three - General Properties (4302)

For the current expenses and capital outlay of the GENERAL PROPERTIES, a division of the Department of Public Works, the sum of one hundred seventy-one thousand, twenty-two dollars and no cents (\$171,022.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 34,822.00
(2) Other Operating Expenses	86,200.00
(3) Capital Outlay	50,000.00

Paragraph Thirty-Four - Downtown Rehabilitation Project (4304)

For the capital outlay of the DOWNTOWN REHABILITATION PROJECT, a division of the Department of Public Works, the sum of ten thousand dollars and no cents (\$10,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Capital Outlay	\$ 10,000.00
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Paragraph Thirty-Five - Local Health Department (5101)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of one hundred forty-four thousand, four hundred seventy-eight dollars and no cents (\$144,478.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 144,478.00
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Paragraph Thirty-Six - Mental Health & Mental Retardation (5202)

For the current expenses of the MENTAL HEALTH AND MENTAL RETARDATION, a division of the Health and Welfare Department, the sum of seventy-six thousand, three hundred one dollars and no cents (\$76,301.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 76,301.00
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Paragraph Thirty-Seven - Bureau of Parks & Recreation (7101)

For the current expenses and capital outlay of the BUREAU OF PARKS & RECREATION, a division of Parks, Recreation and Cultural, the sum of six hundred eighty-three thousand, twenty dollars and no cents (\$683,020.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 477,363.00
(2) Other Operating Expenses	169,157.00
(3) Capital Outlay	36,500.00

Paragraph Thirty-Eight - Community Activities Center (7104)

For the current expenses and capital outlay of COMMUNITY ACTIVITIES CENTER, a division of Parks, Recreation and Cultural, the sum of two hundred ninety-seven thousand, one hundred one dollars and no cents (\$297,101.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 175,306.00
(2) Other Operating Expenses	87,295.00
(3) Capital Outlay	34,500.00

Paragraph Thirty-Nine - National Guard Armory (7105)

For the current expenses and capital outlay of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of forty-four thousand, four hundred sixty-nine dollars and no cents (\$44,469.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 20,821.00
(2) Other Operating Expenses	20,648.00
(3) Capital Outlay	3,000.00

Paragraph Forty - Simms Recreation Center (7106)

For the current expenses and capital outlay of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of twenty-seven thousand, thirty dollars and no cents (\$27,030.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 20,270.00
(2) Other Operating Expenses	4,410.00
(3) Capital Outlay	2,350.00

Paragraph Forty-One - Westover Swimming Pool (7107)

For the current expense and capital outlay of the WESTOVER SWIMMING POOL, a division of Parks, Recreation and Cultural, the sum of one hundred fifty thousand, two hundred thirty-nine dollars and no cents (\$150,239.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 74,439.00
(2) Other Operating Expenses	66,400.00
(3) Capital Outlay	9,400.00

Paragraph Forty-Two - Athletic Complex (Landfill) (7108)

For the current expenses and capital outlay of the ATHLETIC COMPLEX (LANDFILL), a division of Parks, Recreation and Cultural, the sum of forty-two thousand, five hundred twenty-four dollars and no cents (\$42,524.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 6,374.00
(2) Other Operating Expenses	12,950.00
(3) Capital Outlay	23,200.00

Paragraph Forty-Three - Planning Commission (8101)

For the current expenses and capital outlay of the PLANNING COMMISSION, a division of the Community Development, the sum of one hundred thirteen thousand, two hundred twenty-one dollars and no cents (\$113,221.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 60,361.00
(2) Other Operating Expenses	17,860.00
(3) Capital Outlay	35,000.00

Paragraph Forty-Four - Zoning Administration (8102)

For the current expenses and capital of the Zoning Administration, a division of the Community Development, the sum of fifty-seven thousand, seven hundred fifty-nine dollars and no cents (\$57,759.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 42,724.00
(2) Other Operating Expenses	6,035.00
(3) Capital Outlay	9,000.00

Paragraph Forty-Five - Board of Zoning Appeals (8104)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Community Development, the sum of seven thousand, seven hundred sixty-five dollars and no cents (\$7,765.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,080.00
(2) Other Operating Expenses	6,685.00

Paragraph Forty-Six - Economic Development - RDC (8105)

For the current expenses of the ECONOMIC DEVELOPMENT - RDC, a division of the Community Development, the sum of thirty-nine thousand, five hundred forty dollars and no cents (\$39,540.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 33,000.00
(2) Other Operating Expenses	6,540.00

Paragraph Forty-Seven - Harrisonburg Parking Authority (8106)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of the Community Development, the sum of one hundred twenty thousand, eight hundred dollars and no cents (\$120,800.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 53,644.00
(2) Other Operating Expenses	67,156.00

Paragraph Forty-Eight - Non-Departmental (09)

For subsidizing the City's Public Utilities, and for aiding the activities of independent, civic, charitable, and other organizations, the sum of one million, one hundred sixty-four thousand, five hundred ninety-one dollars and no cents (\$1,164,591.00) is appropriated from the General Fund to be apportioned as follows:

9102 Insurance - Employees	\$ 302,120.00
9103 Insurance and Bond Premiums	143,405.00
9104 Support of Community and Civic Organizations:	
5604.01 State Chamber of Commerce	125.00
5604.02 Chamber of Commerce (AL Parade \$275)	2,675.00
5604.03 County Rest Room	2,500.00
5604.04 Rockingham Library Assoc.	149,850.00
5604.05 Salvation Army	4,400.00
5604.06 Rescue Squad (Gas & Oil)	8,000.00
5604.07 Shenandoah Valley, Inc.	500.00
5604.08 Upper Valley Regional Park Authority	29,000.00
5604.09 Commission-Regional Juvenile Detention Home	21,442.00
5604.10 Shenandoah Valley Soil & Water Conservation District	1,250.00
5604.11 Blue Ridge Community College	3,000.00
5604.12 Harrisonburg-Rockingham Historical Society	12,500.00
5604.14 Central Shenandoah Planning District	7,019.00
5604.15 Valley Program for Aging Services	17,508.00
5604.16 WVPT - Public Television	2,650.00
5604.17 Rockingham Lib. Asso.-Land	30,000.00
5605.01 Other Non-Departmental	28,160.00
5605.03 First Step, Inc.	20,432.00
5605.05 CATV - System	9,000.00
5605.09 Chamber of Commerce Convention	22,680.00
5605.10 Gemeinschaft Half-Way House	600.00
5605.11 Braddock House	13,336.00
9105 Joint Expenses - Rockingham County:	
3009.05 Payment to Rockingham County	300,000.00
9106 Airport:	
5606.01 Subscription&Contributions	25,000.00
9107 Dues to Municipal League:	
5607.01 Dues to Virginia Municipal League	6,439.00
5608.01 Dues to National League of Cities	1,000.00

Paragraph Forty-Nine - Indebtedness Requirement General Fund
(10)

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg, Virginia, the sum of three hundred thirty-three thousand, nine hundred twenty-one dollars and no cents (\$333,921.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$ 333,921.00
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Paragraph Fifty - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of fifteen million, two hundred eleven thousand, eight hundred sixty-three dollars and no cents (\$15,211,863.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Garage Fund	\$ 69,320.00
(2) Central Stores Fund	30,396.00
(3) Virginia Public Assistance	234,075.00
(4) Schools	13,038,403.00
(5) Public Transportation	275,436.00
(6) Sanitation	1,564,233.00

Paragraph Fifty-One - Reserve for Contingencies (12)

For Reserve for Contingencies of the General Fund the sum of thirty-two thousand dollars and no cents (\$32,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$ 32,000.00
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S U M M A R Y

Expenditures and Revenue

Total General Fund Appropriation for the
Fiscal Year Ending June 30, 1992 \$29,909,488.00

To be provided for from the following
Anticipated and Estimated Revenue which
is as follows:

Anticipated Cash Balance	\$ 38,850.00
General Property Taxes (Est.)	10,036,002.00
Other Local Taxes (Est.)	11,318,128.00
Permits, Privilege Fees and Regulatory Licenses (Est.)	90,780.00
Fines and Forfeitures (Est.)	315,000.00
Revenue From Use of Money & Property (Est.)	282,400.00
Charges for Services (Est.)	223,500.00
Miscellaneous Revenue (Est.)	2,512,000.00
Recovered Costs (Est.)	318,905.00
Payments in Lieu of Taxes (Est.)	9,000.00
Non-Categorical Aid (Est.)	2,092,774.00
Shared Expenses (Categorical) (Est.)	209,000.00
Categorical Aid (Est.)	1,652,000.00
Non-Revenue Receipts (Est.)	1,000.00
Transfers (Est.)	810,149.00

Total General Fund Revenue (Estimated)
for the Fiscal Year Ending June 30, 1992 \$29,909,488.00

SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for
the school purposes specified for the fiscal year ending June 30, 1992:

Paragraph One - Instruction (61000)

For the current expenses of the INSTRUCTION OF THE DEPARTMENT OF EDUCATION,
the sum of thirteen million, two hundred twenty-three thousand, two hundred
sixty-seven dollars and no cents (\$13,223,267.00) is appropriated from the City
School Fund to be apportioned as follows:

(1) Instruction \$13,223,267.00

Paragraph Two - Administration/Attendance & Health Service
(62000)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE OF
THE DEPARTMENT OF EDUCATION, the sum of one million, seventy-two thousand, six
hundred ten dollars and no cents (\$1,072,610.00) is appropriated from the City
School Fund to be apportioned as follows:

(1) Administration/Attendance
& Health Service \$ 1,072,610.00

Paragraph Three - Pupil Transportation Services (63000)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT
OF EDUCATION, the sum of four hundred twenty-six thousand, eight hundred eighty-
seven dollars and no cents (\$426,887.00) is appropriated from the City School
Fund to be apportioned as follows:

(1) Pupil Transportation Ser. \$ 426,887.00

Paragraph Four - Operations & Maintenance (64000)

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF
EDUCATION, the sum of one million, six hundred twenty-nine thousand, seventy-
three dollars and no cents (\$1,629,073.00) is appropriated from the City School
Fund to be apportioned as follows:

(1) Operations & Maintenance \$ 1,629,073.00

Paragraph Five - School Food Services and Other Non
Instructional Operations (65000)

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL
OPERATIONS OF THE DEPARTMENT OF EDUCATION, the sum of one million, one hundred
forty-two thousand, eight hundred thirty dollars and no cents (\$1,142,830.00) is
appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services & Other
Non Instructional Operations \$ 1,142,830.00

Paragraph Six - Facilities (66000)

For the current expenses of FACILITIES OF THE DEPARTMENT OF EDUCATION, the sum of two thousand dollars and no cents (\$2,000.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Facilities \$ 2,000.00

Paragraph Seven - Indebtedness Requirements School Board (67000)

For the payment of interest on and the retirement of loans of the School System of the City of Harrisonburg, Virginia, the sum of one million, two hundred thirteen thousand, nine hundred nineteen dollars and no cents (\$1,213,919.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest \$ 1,213,919.00

S U M M A R Y

Expenditures and Revenue

Total School Fund Appropriations for
Fiscal Year Ending June 30, 1992 \$18,710,586.00

To be provided for from the
following Anticipated Revenue,
which is as follows:

Receipts From State School Funds (Est.) \$ 3,949,509.00
Revenue From Federal Funds (Est.) 661,213.00
Receipts From Other Funds (Est.) 1,061,461.00
Receipts From City Funds 13,038,403.00

Total School Fund Revenue (Estimated)
for the Fiscal Year Ending June 30, 1992 \$18,710,586.00

SECTION III - WATER FUND

That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1992:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of seventy-eight thousand, two hundred thirty-four dollars and no cents (\$78,234.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 56,614.00
(2) Other Operating Expenses 21,620.00

Paragraph Two - Source of Supply (2)

For the current expenses of SOURCE OF SUPPLY OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred fifty thousand, three hundred dollars and no cents (\$250,300.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 8,200.00
(2) Other Operating Expenses 242,100.00

Paragraph Three - Transmission and Distribution (3)

For the current expenses and equipment of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of five hundred forty-six thousand, one hundred twenty-two dollars and no cents (\$546,122.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 221,362.00
(2) Other Operating Expenses 324,760.00

Paragraph Four - Customer Accounting and Collecting (4)

For the current expenses of CUSTOMER ACCOUNTING AND COLLECTING OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred twenty-five thousand, eight hundred thirteen dollars and no cents (\$125,813.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 100,172.00
(2) Other Operating Expenses 25,641.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of five hundred fifty-two thousand, one hundred twenty-one dollars and no cents (\$552,121.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$	435,571.00
(2) Taxes, etc.		116,550.00

Paragraph Six - Water Purification (6)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of four hundred thirty thousand, eight hundred sixty-four dollars and no cents (\$430,864.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$	241,014.00
(2) Other Operating Expenses		189,850.00

Paragraph Seven - Capital Outlay (7)

For the capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one million, seventy-four thousand, nine hundred dollars and no cents (\$1,074,900.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay	\$	1,074,900.00
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Paragraph Eight - Indebtedness Requirements Water Fund (8)

For the payment of interest, retirement and handling charges of bonds of the PUBLIC SERVICE ENTERPRISES - WATER ACTIVITIES, the sum of seven thousand, three hundred ninety-seven dollars and no cents (\$7,397.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$	7,397.00
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Paragraph Nine - Non-Departmental (9)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of three hundred forty-three thousand, five hundred sixty-nine dollars and no cent (\$343,569.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Data Processing	\$	209,018.00
(2) To General Fund - Insurance		5,356.00
(3) To General Fund - Retirement & Social Security		71,739.00
(4) To Central Garage Fund		34,659.00
(5) To Central Stores Fund		22,797.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation of other funds the sum of one hundred twelve thousand, eight dollars and no cents (\$112,008.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund - Utility Tax	\$	112,008.00
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S U M M A R Y

Expenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1992	\$	3,521,328.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (Est.)	\$	124,008.00
Permits, Privilege Fees and Regulatory Licenses (Est.)		200,300.00
Revenue From Use of Money & Property (Est.)		40,000.00
Charges for Services (Est.)		2,427,040.00
Recovered Costs (Est.)		4,400.00
Non-Revenue Receipts (Est.)		134,000.00
Transfers (Est.)		591,580.00

Total Water Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1992	\$	3,521,328.00
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SECTION IV - SEWER FUND

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, 1992:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of seventy-six thousand, eight hundred fourteen dollars and no cents (\$76,814.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$	56,614.00
(2) Other Operating Expenses		20,200.00

Paragraph Two - Treatment and Disposal (2)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of nine hundred eighty-four thousand, two hundred dollars and no cents (\$984,200.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$	20,000.00
(2) Other Operating Expenses		964,200.00

Paragraph Three - Collection and Transmission (3)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of three hundred forty-seven thousand, nine hundred seventy-two dollars and no cents (\$347,972.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$	175,162.00
(2) Other Operating Expenses		172,810.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of four hundred fifty-four thousand, four hundred sixteen dollars and no cents (\$454,416.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$	364,058.00
(2) Taxes, etc.		90,358.00

Paragraph Five - Capital Outlay (7)

For the capital improvements of the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of seven hundred ninety-eight thousand, six hundred dollars and no cents (\$798,600.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$	798,600.00
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Paragraph Six - Indebtedness Requirement - Sewer Fund (8)

For the payment of interest and retirement of bonds and temporary loans of the PUBLIC SERVICE ENTERPRISES - SEWER ACTIVITIES, the sum of five hundred eighty thousand, one hundred dollars and no cents (\$580,100.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$	580,100.00
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Paragraph Seven - Transfers to Other Funds (9)

For sharing the cost of operation of other funds for the benefit of the SEWER DEPARTMENT, the sum of three hundred forty thousand, nine hundred twelve dollars and no cents (\$340,912.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting, & Data Processing	\$	212,180.00
(2) To General Fund - Insurance		5,356.00
(3) To General Fund - Retirement & Social Security		65,920.00
(4) To Central Garage Fund		34,659.00
(5) To Central Stores Fund		22,797.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1992	\$	3,583,014.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Other Local Taxes (Est.)	\$	450.00
Permits, Privilege Fees and Regulatory Licenses (Est.)		85,000.00
Revenue From Use of Money & Property (Est.)		53,590.00
Charges for Services (Est.)		2,960,829.00
Recovered Costs (Est.)		1,000.00
Non-Revenue Receipts (Est.)		30,200.00
Transfers (Est.)		451,945.00

Total Sewer Fund Revenue (Estimated)
for the Fiscal Year Ending June 30, 1992 \$ 3,583,014.00

SECTION V - VIRGINIA PUBLIC ASSISTANCE FUND

That the following sums of money be and the same hereby are appropriated for the social services purposes herein specified for the fiscal year ending June 30, 1992:

Paragraph One - Director of Social Services (5301)

For the current expenses of the DIRECTOR OF SOCIAL SERVICES, a division of the Department of Social Services, the sum of six hundred thirty-seven thousand, one hundred eighty-eight dollars and no cents (\$637,188.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$	396,430.00
(2) Other Operating Expenses		240,758.00

Paragraph Two - Bureau of Public Assistance (5302)

For the current expenses of the BUREAU OF PUBLIC ASSISTANCE, a division of the Department of Social Services, the sum of three hundred twenty-three thousand, seven hundred thirty-five dollars and no cents (\$323,735.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$	323,735.00
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Paragraph Three - Social Services Bureau (5309)

For the current expenses of the SOCIAL SERVICES BUREAU, a division of the Department of Social Services, the sum of two hundred sixty-nine thousand, seventy-seven dollars and no cents (\$269,077.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$	269,077.00
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S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund Appropriations for the Fiscal Year Ending June 30, 1992	\$	1,230,000.00
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To be provided for from the following
Anticipated Revenue which is as follows:

Categorical Aid (Est.)	\$	995,925.00
Transfers From Other Funds (Est.)		234,075.00

Total Virginia Public Assistance Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1992	\$	1,230,000.00
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SECTION VI - CENTRAL GARAGE FUND

That the following sums of money be and the same hereby are appropriated for Central Garage purposes herein specified for the fiscal year ending June 30, 1992:

Paragraph One - Central Garage

For the current expenses and capital outlay of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of two hundred fifty-eight thousand, six hundred thirty-eight dollars and no cents (\$258,638.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$	189,028.00
(2) Other Operating Expenses		53,610.00
(3) Capital Outlay		16,000.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations
for the Fiscal Year Ending June 30, 1992 \$ 258,638.00

To be provided for from the following
Anticipated Revenue, which is as follows:

Revenue From Use of Money & Property (Est.) \$ 120,000.00
Transfers From Other Funds (Est.) 138,638.00

Total Central Garage Fund Revenue (Estimated)
for the Fiscal Year Ending June 30, 1992 \$ 258,638.00

SECTION VII - CENTRAL STORES OPERATING FUND

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, 1992:

Paragraph One - Central Stores

For the current expenses and capital outlay of the CENTRAL STORES, a division of the Central Stores Revolving Fund, the sum of seventy-five thousand, nine hundred ninety dollars and no cents (\$75,990.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services \$ 29,660.00
(2) Other Operating Expenses 26,330.00
(3) Capital Outlay 20,000.00

S U M M A R Y

Expenditures and Revenue

Total Central Stores Fund Appropriations
for the Fiscal Year Ending June 30, 1992 \$ 75,990.00

To be provided for from the following
Anticipated Revenue, which is as follows:

Transfers From Other Funds (Est.) \$ 75,990.00

Total Central Stores Fund Revenue
(Estimated) for the Fiscal Year
Ending June 30, 1992 \$ 75,990.00

SECTION VIII - PUBLIC TRANSPORTATION

That the following sums of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 1992:

Paragraph One - Transit Buses (1)

For the current expenses of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of six hundred thirty-four thousand, six hundred seventy-five dollars and no cents (\$634,675.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services \$ 304,625.00
(2) Other Operating Expenses 330,050.00

Paragraph Two - School Buses (2)

For the current expenses of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of three hundred ninety thousand, eight hundred ninety-five dollars and no cents (\$390,895.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services \$ 235,962.00
(2) Other Operating Expenses 154,933.00

Paragraph Three - Taxi Cabs/Vans (3)

For the current expenses of the TAXI CABS/VANS, a division of the Public Transportation Fund, the sum of five hundred five thousand, nine hundred thirteen dollars and no cents (\$505,913.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services \$ 365,221.00
(2) Other Operating Expenses 140,692.00

Paragraph Four - Miscellaneous (4)

For the current expenses of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of seventy-two thousand, five hundred dollars and no cents (\$72,500.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$	17,000.00
(2) Other Operating Expenses		55,500.00

Paragraph Five - Capital Outlay (7)

For the capital improvements in the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of two hundred eighty-three thousand dollars and no cents (\$283,000.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlay	\$	283,000.00
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S U M M A R Y

Expenditures and Revenue

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1992	\$	1,886,983.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Services to Departments (Est.)	\$	25,000.00
Charges for Services (Est.)		1,042,400.00
Recovered Costs (Est.)		7,000.00
Other Categorical Aid (Est.)		425,000.00
Transfers From Other Funds (Est.)		387,583.00

Total Public Transportation Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1992	\$	1,886,983.00
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SECTION IX - SANITATION FUND

That the following sums of money be and the same hereby are appropriated for the Sanitation purposes herein specified for the fiscal year ending June 30, 1992:

Paragraph One - Resource Recovery Facility (1)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Sanitation Fund, the sum of six hundred forty-seven thousand, nine hundred thirty-seven dollars and no cents (\$647,937.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$	446,937.00
(2) Other Operating Expenses		201,000.00

Paragraph Two - Refuse Collection (2)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred thirty-three thousand, five hundred twenty-nine dollars and no cents (\$433,529.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$	311,062.00
(2) Other Operating Expenses		122,467.00

Paragraph Three - Sanitary Landfill (3)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of one hundred fifty-one thousand, nine hundred eighteen dollars and no cents (\$151,918.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$	97,950.00
(2) Other Operating Expenses		53,968.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of two hundred ninety-one thousand, twenty-five dollars and no cents (\$291,025.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Depreciation	\$	291,025.00
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Paragraph Five - Sanitary Recycling (5)

For the current expenses of the SANITARY RECYCLING, a division of the Sanitation Fund, the sum of two hundred forty-four thousand and one dollars and no cents (\$244,001.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$	157,701.00
(2) Other Operating Expenses		86,300.00

Paragraph Six - Capital Outlay (7)

For the capital improvements of the SANITATION FUND, a division of the Sanitation Fund, the sum of four hundred nineteen thousand dollars and no cents (\$419,000.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlay	\$	419,000.00
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Paragraph Seven - Debt Service (8)

For the payment of the interest on and the retirement of bonds of the SANITATION FUND, the sum of eight hundred eighty thousand, five hundred thirty-two dollars and no cents (\$880,532.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$	880,532.00
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Paragraph Seven - Non-Departmental (9)

For sharing the cost of operation of other funds for the benefit of the SANITATION FUND, the sum of one hundred twenty-two thousand, four hundred sixty-four dollars and no cents (\$122,464.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) To General Fund - Insurance	\$	12,064.00
(2) To General Fund - Retirement & Social Security		110,400.00

S U M M A R Y

Expenditures and Revenue

Total Sanitation Fund Appropriations for the Fiscal Year Ending June 30, 1992	\$	3,190,406.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Revenue From Use of Money & Property (Est.)	\$	40,000.00
Charges For Services (Est.)		1,415,524.00
Recovered Costs (Est.)		500.00
Transfers (Est.)		1,734,382.00

Total Sanitation Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1992	\$	3,190,406.00
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TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH IX
IN THIS ORDINANCE
FOR THE FISCAL YEAR ENDING JUNE 30, 1992
RECAPITULATION

Section I (General Fund)	\$29,909,488.00	Section II
(School Fund)	\$18,710,586.00	
Section III (Water Fund)	\$ 3,521,328.00	
Section IV (Sewer Fund)	\$ 3,583,014.00	
Section V (Virginia Public Assistance Fund)	\$ 1,230,000.00	
Section VI (Central Garage Fund)	\$ 258,638.00	
Section VII (Central Stores Fund)	\$ 75,990.00	
Section VIII (Public Transportation Fund)	\$ 1,886,983.00	
Section IX (Sanitation Fund)	\$ 3,190,406.00	
TOTAL APPROPRIATIONS	\$62,366,433.00	

SECTION X

All of the monies appropriated as shown by the contained items in Sections I through IX are appropriated upon the terms, conditions and provisions hereinbefore 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 be fixed at \$0.58 (Fifty-Eight Cents), and that the rate of taxation on Tangible Personal Property, Machinery and Tools and Merchants Capital, as defined by Chapter 35 of Title 58.1 of the code of Virginia, 1950, as amended, and on all boats or watercraft under five (5) tons burthen used for business or pleasure, as defined by Section 58.1-3503 of said Code, and on all vehicles without motive power used or designed to be used as mobile homes or offices or for other means of habitation, as defined by Section 58.1-3503 of said Code, be fixed at \$1.50 (One Dollar and Fifty Cents) on each one hundred dollars assessed valuation for the year 1991; it being expressly provided, however, that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in Section 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 on or before December 5, 1991. 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 adopted by the City Council for the fiscal year beginning July 1, 1991, and ending June 30, 1992, 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 provided by ordinance; provided, however, that the City Manager is authorized to make such re-arrangements of salaries in the several departments 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.

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, 1991.

Given under my hand this _____ day of _____, 1991.


MAYOR


CLERK

REGULAR MEETING

JUNE 11, 1991

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray and Chief of Police Richard Presgrave. Absent: City Auditor Peterman.

Minutes of the regular meeting held on May 28, 1991, approved as read.

✓ At 7:35 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following notice as it appeared in the Daily News Record on Thursday, May 30, and Friday, May 31, 1991:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 11, 1991, at 7:30 p.m., in the Municipal Building, 345 South main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens within the Harrisonburg School District concerning the vacancies in the East and West School Wards. These School Board members' terms will commence July 1, 1991, and be for a three year term to June 30, 1994.

Pursuant to Section 22.1-29-1 of the Code of Virginia, 1950, as amended no nominee or application whose name is not considered at this public hearing shall be appointed as a School Board member.

MARVIN B. MILAM
CITY MANAGER

✓ City Manager Milam stated that he has received resumes from the following persons stating a desire to be considered as a nominee for the School Board: Donna Ludwig Stewart, 16 Laurel Street, Jimmy Victor MacNaughton, 84 Hope Street, Daniel J. Nardi, 79 Hope Street and Tom Robinson of Smithland Road. Council Member Dingledine stated that she received resumes from Elizabeth H. Hall of 1184 Nelson Drive and Edgar Miller of 91 Maplehurst Ave. Mayor Green called on anyone present desiring to be considered as a nominee and Jane C. Prey of 27 Laurel Street expressed interest in serving on the School Board. Mr. Nardi noted that he is a life long resident of Harrisonburg and is very interested in becoming a working and active member of the School Board. Ms. Stewart stated that she would like to see the present level of excellence in the City's schools maintained and is also interested in seeing an expansion of the linkage with industry and businesses and the school system. Mayor Green noted that in view of the fact that there seems to be a misunderstanding as to whether or not Ms. Barbara Wheatley is interested in running for a second term, the public hearing will be continued until the next City Council meeting for clarification.

✓ City Manager Milam called Council's attention to a letter from Lance K. Braun, Regional Representative for Ruggieri-USA requesting authorization to conduct a fireworks display on Thursday, July 4, 1991, at Spotswood Country Club from approximately 9:30 - 9:45 p.m. Following comments from Mr. Braun, Council Member Heath offered a motion that permission be granted for the fireworks display at Spotswood Country Club. Following this motion, Mr. Braun explained that at this time Family Fund Fest has been unable to secure a sponsor for fireworks due to the economic recession of recent months. Mr. Braun noted that they are seeking a sponsor and support of interested parties for a small fireworks display at this event and would like to ask the City for its support. Mr. Bob McNeal from WSVB radio station, noted that with this being the last year for the Statler Brothers celebration in Staunton, the radio station hopes that in future years, the Staunton crowd will come to Harrisonburg for the 4th of July celebration. Mr. McNeal further explained that this event is a non-profit event with all the proceeds this year going to the Wildlife Center. Mr. McNeal reiterated that he is asking the City to help support the fireworks display or to underwrite a portion of the fireworks since they have run into financial problems in obtaining backing for the fireworks. Mr. Braun explained that the fireworks can be custom designed to cost whatever the sponsor is willing to pay and that the cost does include insurance. Following further comments, Mr. Braun thanked the City Council, Fire Chief Shifflet and Police Chief Presgrave for their cooperation and help in the past years. Mayor Green noted that the Council will take this under consideration.

✓ City Manager Milam presented for Council's consideration of approval the proposed increases in building permit fees, zoning, conditional use, Board of Zoning Appeals, Subdivisions, Site Plans and Administration and called on John Byrd, Director of Community Development, for comments. Mr. Byrd noted that the proposal presented this evening is an effort on behalf of the Department to respond to the recommendations made following a comprehensive study of the Community Development Department. Mr. Gary Cook, Zoning Administrator stated that the City of Harrisonburg is way behind in what they are currently charging. Council Member Heath noted that the wording for the proposed zoning fees seems to be confusing and may need to be reworded. Following further discussion, Mayor Green suggested that the City Council study the proposed fees and requested that this item be continued on the Council's agenda.

✓ City Manager Milam presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the City Code - Adoption of State Law. City Attorney Thumma noted that this is the annual adoption of the State Law for all the amendments that were enacted by the General Assembly at the last session and will go into effect July 1, 1991. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's consideration, a proposed amendment to the Employee's handbook regarding health insurance. Manager Milam stated that the purpose of this proposal is to establish a method of providing increased benefits to employees who retire after long-term service to the City of Harrisonburg. Manager Milam stated that the City realizes the impact of the increasing cost of hospitalization insurance on retirement incomes, and noted that this proposal will allow these employees and their dependents to remain under the City of Harrisonburg's group medical coverage and assist them with the cost of the premium. Manager Milam explained that to be eligible for this program, at the time of retirement, the employee must be under the age of 65 and not eligible for Medicare. Manager Milam further noted that the employees must have at least ten years of service to the City and/or meet the conditions of "retirement" prescribed by the Virginia Retirement System. Manager Milam also stated that this same plan has already been approved by the Harrisonburg School Board. Following further discussion and question from the Council Member, Mayor Green requested that this proposal be continued for further study.

✓ City Manager Milam presented a request from Spanky's requesting the Council's authorization to access the easement between Spanky's and South Square Professional Commons Building for the purpose of sponsoring the second annual Ms. Hawaiian Tropic Virginia pageant.

✓ Vice Mayor Rhodes moved that a supplemental appropriation in the amount of \$150,000 requested by Transportation Director Reggie Smith due to the negotiated JMU contract - generated cost and \$80,000 additional revenue, additional school buses and depreciation exceeded budget be approved for a second and final reading, a first reading having been approved on May 28, 1991, and that:

\$150,000 chgd. to: Transportation - Unappropriated fund
balance

26,000 approp. to: 01-81-01-1009.09 Transit Operators
50,000 approp. to: 01-82-01-1009.11 School Bus operator
59,000 approp. to: 01-82-02-581001 Depreciation
15,000 approp. to: 01-83-01-1009.12 Taxi Operators

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Council Member Dingledine moved that a supplemental appropriation in the amount of \$39,033, requested by Lester Seal, Director of Accounting to budget for the proceeds to be received from the refunding bond issue, be approved for a second and final reading, a first reading having been approved on May 28, 1991, and that:

\$39,033 chgd. to: 09-1900-190103-00 Proceeds from bond
Issue

39,033 chgd. to: 09-03-0098-00-0-008602 Refunding bond cost

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Rhodes moved that a supplemental appropriation in the amount of \$9,000.00 requested by Chief of Police Presgrave due to an increase in court appointed attorneys' fees which caused short fall in category, be approved for a second and final reading, a first reading having been approved on May 28, 1991, and that:

\$9,000.00 chgd. to: General - Unappropriated surplus

9,000.00 approp. to: 1-1-3302-2-0-3302.02 Court appointed
attorneys

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Council Member Dingledine moved that a supplemental appropriation in the amount of \$94,027.67 requested by Fire Chief Shifflett for donations and reimbursements, be approved for a second and final reading, a first reading having been approved on May 28, 1991, and that:

\$ 579,67 chgd. to: 1-1900-1901.01 Recoveries and rebates
76,174,00 chgd. to: 1-1900-1901.01 Recoveries and rebates
240.00 chgd. to: 1-1900-1901.01 Recoveries and rebates
490.00 chgd. to: 1-1900-1901.01 Recoveries and rebates
950.00 chgd. to: 1-1900-1901.01 Recoveries and rebates

730.00 chgd. to: 1-1900-1901.01 Recoveries and rebates
 1,665.10 chgd. to: 1-1900-1901.01 Recoveries and rebates
 9,038.85 chgd. to: 1-1900-1901.01 Recoveries and rebates
 4,160.05 chgd. to: 1-1900-1901.01 Recoveries and rebates

10,500.00 approp. to: 1-1-3201-1-0-1005.06 Dispatchers
 20,000.00 approp. to: 1-1-3201-1-0-1050.01 Other personal services

6,500.00 approp. to: 1-1-3201-1-0-5400.01 Other materials and supplies
 4,500.00 approp. to: 1-1-3201-1-0-5408.01 Gas, Lube, tires
 16,000.00 approp. to: 1-1-3201-1-0-3004.03 Maint. & Repair Auto equip.

2,700.00 approp. to: 1-1-3201-1-0-5500.01 Travel
 4,050.00 approp. to: 1-2-3201-0-0-7001.03 Equipment
 14,777.67 approp. to: 1-2-3201-0-0-7005.00 Motor vehicle & equip.

15,000.00 approp. to: 1-2-3201-0-0-7006.01 Fire Programs fund

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

√ City Manager Milam presented a request from School Superintendent Hiner for approval of a transfer of funds in the amount of \$30,000, to transfer funds within appropriate budget areas for closing out the fiscal year. Vice Mayor Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$25,000.00 trans. from: Operations & Maint. - purchased service - 2-1-64000-0-0-30564
 5,000.00 trans. from: Pupil transportation - purchased service - 2-1-63000-0-0-300000

30,000.00 trans. to: Instruction - materials and supplies
 2-1-61000-0-0-305618

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

√ A request was presented by Lester Seal, Director of Accounting, for approval of a supplemental appropriation in the amount of \$25,000.00, to budget for the courthouse maintenance fees, which will be used to fund the joint judicial complex fund. Council Member Heath offered a motion for the appropriation to be approved for a first reading, and that;

\$25,000.00 chgd. to: 01-1600-160101-00 Courthouse maintenance fees
 25,000.00 approp. to: 01-01-03302-02-0-541302 Jail additions

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

Manager Milam stated that the Virginia Municipal League Conference will be held in Roanoke on October 9, 1991.

At 8:30 p.m. Council Member Heath offered a motion that Council enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Harrisonburg City School Board exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consultation of the use of real estate exempt from the public meeting requirements pursuant to Section 2.1-344(3), and for discussion of legal matters with legal counsel exempt from public meeting requirements pursuant to Section 2.1-344(7) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 10:15 p.m., the executive session was closed and the regular session reconvened. There being no further business, and on motion adopted, the meeting was adjourned.


 CLERK


 MAYOR

REGULAR MEETING

JUNE 25, 1991

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Chief of Police Richard Presgrave and City Auditor Peterman.

Minutes of the regular meeting held on June 11, 1991, approved as read.

The City Manager's Monthly Progress Report was presented and ordered filed.

↓ Mr. Frances Bell, on behalf of the Employer's Club of the National Guard Reserve, presented to the City a certification on Operation Desert Storm for the City's support and contribution to the success of Desert Storm for having sound personnel policies and amending polices for active employees serving in Desert Storm.

Due to the large number of persons in attendance, Mayor Green announced that the City Council meeting will adjourn at the City Council Chambers and reconvene at Harrisonburg High School at 8:00 p.m.

↓ At 8:35 p.m. Mayor Green called the evening's first public hearing to order. City Manager Milam read the following notice of public hearing as it appeared in the Daily News Record on Tuesday, June 11, 1991 and June 18, 1991:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 25, 1991, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning request:

Black Diamond Savings Bank request to rezone Lot 1 and a 20' strip of Lot 2 of the Galanis Subdivision from R-3 Multiple Dwelling District to B-2 "Conditional" General Business District. Purpose: to construct a savings bank at 440 South Main Street:

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

In reviewing the ground rules for the public hearing, Mayor Green stated that the engineers and attorney for the requestor will be allowed ten minutes to talk and three minutes will be allowed to persons wishing to speak either for or against the rezoning. Mayor Green stated that speakers will address the City Council and are not to be interrupted, and further noted that there will be no rebuttals or debates.

Mr. James Sipe, stated that he is representing Anthie, Chris and Tom Pappas and Black Diamond Savings Bank and their application for rezoning as spelled out in the ad. Mr. Sipe noted that the proposal is to rezone the property located on the Southeast side of south Main Street from R-2 to B-2. Mr. Sipe noted that the property is bordered to the north by the Joshua Wilton House, to the east by an apartment complex and to the South by the Elks Home. Mr. Sipe noted that written approval of the rezoning was received by all the adjoining property owners except for the Joshua Wilton House. Mr. Sipe explained that the land is less than one acre, and that there is a contract with Black Diamond Savings Bank whereby they will build a bank at this location conditioned on the approval of this rezoning request. Mr. Sipe explained that this is a local financial institution that desires to relocate in the downtown where they can provide parking and a drive-in facility to better serve their customers. Mr. Sipe noted that prior to the Planning Commission public hearing, they did file various conditions as to the design of the building, architecture, maintenance and parking. Mr. Sipe further noted that an addendum was filed having to do with the size of the sign etc. Mr. Sipe stated that on May 15, 1991, the Planning Commission recommended the approval of the request. Mr. Sipe further stated that they do have a plan for the actual building and that he sincerely believes that the erection of this building will be a tremendous asset to the area. Mr. Sipe then called Council's attention to pictures of the proposed bank building and the surrounding buildings pointing out that they are all compatible. Mr. Sipe concluded in stating that the erection of this building will not in anyway be detrimental to the Joshua Wilton house and is compatible to the existing buildings in the area and will an asset to the City.

Mr. J. R. Copper, Engineer for Black Diamond Savings Bank, called Council's attention to drawings of the original plan for the bank. Mr. Copper noted that with this drawing they have kept the parking away from Main Street and have maintained many of the trees. Mr. Copper also noted that this bank building will be the same as Black Diamond's building in Norton. Mr. Copper explained that there was some concern about the setback and location of the drive in window at the Planning Commission hearing. Calling Council's attention to the revised drawing of the bank, Mr. Copper pointed out that the drive in window has been moved to the side of the bank away from the Joshua Wilton House and one drive lane has been eliminated. Mr. Copper also noted that, as requested by the City, the lower entrance to the bank has been aligned with Warren Street. With this plan, Mr. Copper stated that the green space has been increased and as many trees as possible will be preserved; but noted that this drawing is not a final drawing of the placement of the trees.

Mr. Nelson Hawkins, 222 Grattan Street, noted that he has lived in old town for 66 years and feels the bank will be an asset to the downtown and does not see anyway it will jeopardize the style of life in Old Town.

Kathy Whitten, 56 South Mason Street, stated that she would love to see Black Diamond Bank relocate in the downtown but feels at this location the bank would infringe on the security of the neighborhood. Ms. Whitten stated that if this rezoning request is approved, it will start a chipping away on the street and will be a detriment to the neighborhood and the City. Ms. Whitten concluded in emphasizing that a bank does not belong in R-3, that this rezoning will start a chipping away at the neighborhood and city and questioned what happens when the bank wants to grow.

Helen Hanson, 1118 South Dogwood Drive, speaking as a member of the Neighborhood Coalition, noted that the coalition's purpose is to seek and improve the quality of life in Harrisonburg and for this reason she and the neighborhood coalition are opposed to the rezoning. Ms. Hanson noted that they do not want to see Black Diamond Bank hurt, but that the citizens do not want the bank in their neighborhood because of the increased traffic it will cause, the noise pollution and the overall aesthetics. Ms. Hanson concluded in stating that the City Council needs to be responsive to the large majority of the people and this is the Council's chance to respond to the will of the people.

Pat Sweet, 488 S. Mason Street, noted that he and his family enjoy the quality of life and charm of Old Town and purchased their home in Old Town because of the close proximity to the downtown and their places of employment. Mr. Sweet stated that his family does not feel that the relocation of the bank will jeopardize the quality of life they now enjoy and feel that Main Street Harrisonburg is a place for businesses. Mr. Sweet further noted that if the issue is either a bank or apartment buildings, then he feels that a bank with their resources will be a much better neighbor.

Mr. Larry Hoover, 111 Campbell Street, stated that he feels that it is inappropriate to have a business on this property. Mr. Hoover noted that there seems to be a move away from the commercialization in this area, so why allow more to come in. Mr. Hoover further noted that the zoning itself shows that a bank is inappropriate for this location.

Dale Diaz, 1200 Portland Drive, speaking against the rezoning noted that sometimes it is good business not to have a business downtown and hopes that the City Council are concerned about historical preservation and controlled growth.

Dale Harder, 93 Franklin Street, Director of the Historical Society stated that he is opposed to the rezoning. Mr. Harder further stated that changing the rezoning would negatively impact on this area. Mr. Harder voiced concern over the high volume of traffic the bank would create and questioned why, if the bank wants to promote shopping downtown etc., do they want a drive through window which does not promote persons "walking" in the downtown.

Mr. Tom Wilson, 805 Oakhill Drive, noted that from a judicial standpoint, he feels the objections to this rezoning are capricious and that the rezoning request is reasonable and should be unanimously approved.

Holly Watts, 331 Grace Street, noted that she is opposed to the rezoning because of the safety factor and because it will cause traffic to be rerouted through neighborhoods.

Watt Bradshaw, Route 3, Broadway, and director of Friends of the Valley, stated that he is opposed to the rezoning because (1) a bank does not belong in a R-3 neighborhood; (2) it would create traffic problems and the signage would be inappropriate for this area; (3) the burden it will place on the Joshua Wilton House is inappropriate and (4) the neighbors do not want this and the City Council needs to respect their wishes.

Sidney Bland, county resident and Director of the Historical Society and speaking on behalf of the Board of Directors for the Historical Society stated that the Board is unanimously opposed to the rezoning of this parcel.

Mr. Hubert Gentry, Pleasant Valley, and a Director of Black Diamond Savings Bank, noted that when Black Diamond decided to relocate they took into consideration the convenience to their customers, stockholders and future customers. Mr. Gentry stated that the proposed bank building would continue the flavor in this area of South Main Street. Mr. Gentry noted that the building will blend visually with existing buildings and would be a much needed benefit to downtown Harrisonburg. Mr. Gentry concluded in stating that he feels the real majority of the citizens of the City support this rezoning request and urge the Council to approve the request.

Joe Eney, 420 Eastover Drive, stated that he is opposed to the rezoning because certain lots, as this one, have limited possibilities and commercial development at this location does not seem to be conducive. Mr. Eney questioned why a bank would want to be located on a one way street and also questioned if the bank will have an automated teller machine which will pose an after hours safety threat.

Craig Moore, owner of Joshua Wilton House, stated that he is opposed to the rezoning and submitted to the Council a petition containing 900 names of citizens opposed to the rezoning.

Nancy Garber, President of the Retail Merchants, stated that the Retail Merchants are in favor of this rezoning. Ms. Garber noted that Main Street is not residential and urged the City Council to help keep Black Diamond Bank downtown. Bob Bersson, Citizens for Downtown, showed a slide presentation of various areas of the City. Mr. Bersson paralleled this situation to the rezoning request in the Preston Heights neighborhood which was denied. Mr. Bersson stated that the bank will not fit architecturally and noted that it will create "bottleneck" traffic.

The following persons also spoke against the rezoning request: Steven Fairchild, 288 Newman Ave.; Carl Harman, 852 Hillside Ave.; Steve Parks, Union Springs; Ms. Edward Button, 86 E. Grattan St.; Erin Goewey, 135 Campbell St.; Nancy Bondurant Jones, Hinton; Mike Share, Paul St.; Suzanne Tate, Campbell St.; Tom Brubaker, 250 E. Elizabeth St.; Cathy McClatchy, 1614 Central Ave.; Mark Taylor; Mark Nissley, 540 Federal St.; Carey Patterson, JMU; Sherri Boland, West View St.; Lucicia Jackson, Old Town; Katherine Strickler, 1225 Hillcrest Dr.; Tonya Dankla; Fred, 524 East Wolfe St.; Kathy Byer, County resident; Gary Beatty, 450 S. Mason; Malcolm Cameron, 95 Oak St.; Dave Hanson, South Dogwood; Devon Bent, 320 Franklin St.; and Evelyn Watkins, 1023 South Dogwood Drive.

There being no others desiring to be heard, the public hearing was declared closed at 10:34 p.m. and the regular session reconvened. Council Member Heath offered a motion that action on this request be delayed due to the lateness of the hour. This motion died due to no second. Vice Mayor Rhodes noted that he does not agree with every thing that has been said, but stated that he does believe that this is a group of responsible businessmen who are proposing this building and noted that he feels the architecture will blend in with the other buildings in the area. Vice-Mayor stated that in view of the fact that he sits on the Planning Commission and voted in favor of the rezoning at the Commission's public hearing, he so moves that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Heath and approved with a majority vote of the Council Members, with Mayor Green, Vice-Mayor Rhodes and Council Member Heath voting aye and Council Members Kite and Dingledine voting nay.

At 10:40 p.m., Mayor Green stated that the public hearing to receive the views of citizens within the Harrisonburg School Division is continued from the June 11, 1991, City Council meeting. City Clerk Gray the following names which were received at the June 11, 1991, public hearing: Daniel Nardi, Jane Prey, Jimmy MacNaughton, Donna Stewart, Elizabeth Hall, Edgar Miller, Cathy Stevenson, and Tom Robinson. Manager Milam noted that he received applications from the following: Mr. Wayne Wright, 440 Rockingham Drive, and Danny Woodruff, 1101 Ridgeville Drive. Council Member Heath submitted the name of D'Earcy Davis, III, of 33 Tamela Court. There being no other names to be submitted the public hearing was declared closed at 10:45 p.m., and the regular session reconvened.

Council Member Dingledine offered a motion that the following rezoning requests be referred to the Planning Commission: request from the Rion-Bowman Post No. 632 to rezone their property at 450 Waterman Drive from M-1 to B-2 and the request to rezone Longview Oaks Apartments, Oak View Court and Longview Drive from R-2 to R-4. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

City Manager Milam presented that following resolution for Council's consideration of approval:

RESOLUTION REQUESTING THE GOVERNOR OF VIRGINIA TO
DESIGNATE AUGUST 3, 1991, AS THE OFFICIAL
"WELCOME HOME" FOR VIRGINIA'S VIETNAM VETERANS

WHEREAS, thousands of Virginians served in the United States armed forces during the Vietnam War; and,

WHEREAS, many Virginians were wounded, held as Prisoners of War and/or lost their lives in an effort to preserve freedom for other; and,

WHEREAS, these brave men and women represented the United States of America, as well as the Commonwealth of Virginia; and,

WHEREAS, Virginia's Vietnam veterans were not honored with a well-deserved welcome home celebration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg that it hereby requests the Governor and the General Assembly of the Commonwealth of Virginia to designate August 3, 1991, as the official "Welcome Home" for Virginia's Vietnam veterans.



Walter F. Green, III, Mayor

Judy M. Gray, Clerk

Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of approval a proposed amendment to the Employee's Handbook regarding Health Insurance. Mayor Green requested that, due to the lateness of the hour, action on this proposal be delayed.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code, (Adoption of State Law). Vice Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

Vice-Mayor Rhodes offered a motion that the proposed ordinances enacting Section 10-2-23(14), Section 10-2-25(13), Section 10-3-9, Section 10-3-16(d), Section 10-3-60(6), Section 10-3-68(6), Section 10-3-94(2)(w), Section 10-3-104 and Section 10-3-119(c)(1) & (2) be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

City Manager presented for Council's consideration of first readings an ordinance enacting Section 11-1-12 of the City Code -Fees; and ordinance amending and re-enacting Section 11-2-42 of the City Code - Reinspection; and an ordinance amending and re-enacting Section 11-3-83(c) of the City Code. Mr. Robert Mishler of the Shenandoah Valley Builders Association stated that the association has the following four areas of concern relating to the fee increases: (1) home builders are in a serious recession at the present time and feel that it is bad timing to pose fee increases; (2) they feel the increases are substantial at 82%; (3) re-inspection fees are a hassle and (4) the City of Harrisonburg requires some inspections that other localities do not. Following Mr. Mishler's comments, Vice Mayor Rhodes offered a motion that the ordinances be approved for first readings, but requested that Roger Baker and John Byrd meet with Mr. Mishler prior to the second reading to discuss the Association's concerns.

Manager Milam stated that he did not receive the final draft for the proposed resolution approving the Plan of Financing for a Regional Jail and Judicial Complex and Authorizing a Judicial Validation Proceeding with respect to Bonds issued therefor until late this afternoon, so would like to request that this item be carried over until the next City Council meeting.

City Manager Milam noted that the Shenandoah Valley Regional Airport Commission's 1991-92 budget is in the Manager's Office for review.

Council Member Rhodes moved that a supplemental appropriation in the amount of \$25,000 requested by Lester Seal, Director of Accounting, to budget for the courthouse maintenance fees, which will be used to fund the joint judicial complex fund be approved for a second and final reading, a first reading having been approved on June 11, 1991, and that:

\$25,000.00 chgd. to: 01-1600-160101-00 Courthouse maintenance fees

25,000.00 approp. to: 01-01-03302-02-0-541302 Jail additions

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

At 11:04 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green, Jr.
MAYOR

REGULAR MEETING
JULY 9, 1991

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Peterman.

Minutes of the regular meeting held on June 25, 1991, approved as corrected.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of June, 1991.

From the Police Department - A report of fines and costs collected - \$1,636.00; cash collected from street parking meters - \$6,280.07; total cash collected and paid on accounts and turned over to the City Treasurer - \$7,916.07.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of June, 1991, in the amount of \$1,101.77.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of June, 1991.

✓ At 7:32 Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following notice of hearing as it appeared in the Daily News Record on Friday, June 28, 1991:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 9, 1991, 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 submittal to the Virginia Department of Solid Waste Management. 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 Office of the Superintendent for Solid Waste located at 2055 Berry Road, Harrisonburg, VA - telephone 433-6800.

CITY OF HARRISONBURG
Marvin B. Milam
City Manager

Mr. John Holsten, Sanitation Superintendent, explained that the State is requiring that all municipalities prepare a five year plan to speak to what the municipality plans to do for solid waste disposal. Mr. Holsten stated that the proposed Solid Waste Management Plan for the City of Harrisonburg was prepared by Draper Aden Associates in accordance with the state regulations. Mr. Holsten then called on Mr. Fred T. Pribble and Steve Herzog, from Draper Aden for comments. Mr. Fred Pribble stated that the Solid Waste Management Plan was developed with a cooperative effort between the City Staff and Draper Aden Associates. Mr. Pribble reviewed the Board's purpose for requiring solid waste management plans and noted that the plan will have to be re-evaluated every five years. Mr. Steve Herzog, of Draper Aden Associates, reviewed the waste management hierarchy that all solid waste management plans must consider, and stated that the rate mandates are a 10% reduction by Dec. 31, 1991; a 15% reduction by Dec. 1993 and a 25% reduction by Dec. 1995. Mr. Herzog noted that the City of Harrisonburg is fortunate that its private sector is currently recycling at a rate of 29% which already exceed the 25% rate mandated by December 1995. Mr. Herzog also reviewed the specific actions contained in the plan, which include: increase recycling activities; categorize the waste accepted at the landfill and steam plan; adopt reporting legislation; require that specific material be separate from other solid waste; preference for purchase of paper made from recycled material; expand public education; close the existing landfill; develop a new landfill and create a archive agency. Mr. Herzog did note that the City is well prepared to meet the mandates, but presently has two critical needs which are securing new landfill capacity by January 1994 and developing a program for collecting additional information on its solid waste stream. Council Member Heath expressed concern over the reporting burden that might be imposed on small businesses, and Vice-Mayor Rhodes stated that he did not feel it was fair to have to close down the existing landfill. Following further discussion, Mayor Green thanked the City administration and Draper Aden for a job well done. There being no others desiring to be heard, the public hearing was declared closed at 8:15 p.m. and the regular session reconvened.

City Manager Milam presented for Council's consideration of a first reading an ordinance enacting Title 6, Public Works, Chapter 2, Solid Waste Collection and Disposal, Article C, Solid Waste Recycling of the Harrisonburg City Code. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

City Manager Milam presented and read a letter from Mr. A. Mark Nissley of 540 Federal Street requesting the closure of an alley running between the 500 block of Federal Street and Layman Avenue. Council Member Heath offered a motion that the closing request be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of approval a proposed amendment to the Employee's handbook which is a policy that will establish a method of providing increased benefits for retired employees by allowing them and their dependents to remain under the City of Harrisonburg's group medical coverage and assisting them with the cost of premium. Mr. Milam noted that to be eligible for this, the employee must be at least 55 years of age and have worked for the City for 20 years. Council Member Heath stated that he is in favor of the concept that was presented earlier in which the medical coverage would be based on accrued sick leave, but noted that he is opposed to the proposal without this provision. Council Member Heath explained that he feels it should be a earned benefit and offered a motion that a committee of three people, to include the City Manager, along with a representative from HEC and the School Board be formed to study this proposal to include in the program that medical coverage, upon retirement, will be based on accumulated sick leave and the plan to be retroactive to June 30, 1991. Manager Milam noted that the reason the accumulated sick leave provision was omitted was to keep some employees from "falling through the cracks" say if they have 20 to 30 years with the City and retire with no sick leave. Manager Milam also stated that it is the consensus of the City Staff that since the School Board passed this program for their employees, City employees should also be entitled to this benefit. Mayor Green stated that he feels it is a good idea to meet with representatives from HEC and the School Board concerning this proposal so there is some form of unity in the programs. Council Member Heath's motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ City Manager Milam presented and read for Council's information a letter from City Treasurer, Beverly Miller, submitting the report of delinquent taxes remaining unpaid at the close of the fiscal year ending June 30, 1991, as follows:

Prior to 1988	Real Estate	\$19,213.74
1988	Real Estate	16,220.56
1989	Real Estate	38,442.61

Manager Milam also stated that a list of delinquent taxes on Real Estate for the year 1990 and tangible personal property for the years 1989 and 1990 is available for public inspection in the Manager's office.

✓ City Manager Milam presented for Council's consideration of approval the following resolution:

WHEREAS, the Council of the City of Harrisonburg, Virginia (the City Council), has acknowledged the need for the replacement of the present regional jail, which has been decertified by the Virginia Department of Corrections, such new regional jail and lower court facility (the Project) being owned and used jointly by the City of Harrisonburg (the City) and Rockingham County, Virginia (the County); and

WHEREAS, there has been presented to the City Council a plan for lease financing the acquisition, construction and equipping of the Project which would not create debt of the City for purposes of the Virginia Constitution; and

WHEREAS, the Virginia Supreme Court decision in Dykes v. Northern Virginia Transportation District Commission on April 19, 1991, has raised the possibility that a long term lease by the County, although subject to annual rent appropriations, may nevertheless be considered debt of the City to be counted against its constitutional debt limit, and the City Council has been advised that bond counsel recommends that the Circuit Court of Rockingham County be asked to validate revenue bonds to be issued by the Harrisonburg Redevelopment and Housing Authority (the Authority) to finance the Project and the lease of the Project by the Authority to the City and the County;

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

1. The following plan for financing the acquisition, construction and equipping of the Project is approved, the Authority will be requested to issue its lease revenue bonds in an amount now estimated to be approximately \$20,000,000 (the Bonds) and use the proceeds thereof to finance the acquisition, construction and equipping of the Project. The Authority will lease the Project to the City and the County under a "triple net lease" for the term of the Bonds at a rent sufficient to amortize the Bonds and to pay the fees and expenses of the Authority. The obligation of the Authority to pay principal and interest on the Bonds will be limited to rent payments received from the City and the County. The obligation of the City and the County to pay rent will be subject to the City Council and the Board of

Supervisors of Rockingham County, respectively, making annual appropriations for such purpose. The Bonds will be secured by an assignment of rents to a trustee for the benefit of the bondholders. The plan for financing the Project shall contain such additional requirements and provisions as may be approved by the City and the County.

2. The Authority is requested to undertake the issuance of the Bonds, to use the proceeds of the Bonds for the acquisition, construction and equipping of the Project and to secure the Bonds by a pledge of rents.

3. The City shall join with the Authority and the County in bringing a proceeding in the Circuit Court of Rockingham County pursuant to Article 6, Chapter 5, Title 15.1 of the Code of Virginia, as amended, to validate the Bonds and the lease securing the bonds. The City Attorney, in collaboration with the Authority's bond counsel, is authorized to provide for initiating a validation proceeding in cooperation with the Authority and the County with the least possible delay.

4. This resolution shall take effect immediately.

The undersigned City Clerk of the City of Harrisonburg, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the City Council held on the 25th day of June, 1991, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the City of Harrisonburg, Virginia, this ____ day of July, 1991.

City Clerk, City of Harrisonburg
Virginia

Following discussion, Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ City Manager Milam noted that subsequent to approving the joint resolution of the County and the City requesting funding from the Department of Corrections for the State's share of construction costs of the regional jail facility, the architect has advised that the estimate, of \$14,210,430.00, does not include demolition costs and asbestos removal or the added burden of site improvements. Manager Milam noted that the City has been requested to take action to amend this resolution to show a total revised cost of \$15,408,852. Vice-Mayor Rhodes offered a motion that the revised resolution be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Rhodes noted that someone has been working on the Old Imperial Building at the corner of North Main Street and Johnson Street for the past three to four years. Mr. Rhodes stated that debris has been piled up behind this building for years and needs to be removed. Mr. Rhodes also noted that the old Salvation Army building also needs attention along with the sidewalks in the area noting they have grass growing on them to the point you can not even walk on them. Mayor Green requested the City Manager to have City Staff look into these concerns.

✓ Assistant City Manager Roger Baker noted that he has received several calls from residents on Circle Drive concerning problems with deer in this area.

At 9:00 p.m. Vice-Mayor Rhodes offered a motion for Council to enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Harrisonburg Redevelopment and Housing Authority, the Harrisonburg City School Board, the Blue Ridge Community College Board of Trustees, Blue Ridge Diversionary Program Community Corrections Resources Board and the Community Services (Chapter 10) Board, exempt from the public meeting requirements pursuant to Section 2.10344(1) of the Code of Virginia; and for discussion and consideration of the acquisition of real property on North Liberty Street for a public purpose exempt from public meeting requirements pursuant to Section 2.1-344(3) of the Code of Virginia. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

At 10:45 p.m., the executive session closed, and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Harrisonburg Redevelopment and Housing Authority in as much as the second term of Mr. Henry L. Whitelaw expired on November 29, 1990, rendering him ineligible for reappointment. Vice Mayor Rhodes offered a motion that Ms. Gloria H. Moore, of 440 Effinger Street, be appointed to a first term of four years, expiring on November 29, 1994, to the Harrisonburg Redevelopment and Housing Authority. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Blue Ridge Community College Board of Trustees, and noted that Mr. W. Price Lineweaver's first term expired on June 30, 1991. Council Member Kite offered a motion that Mr. Price Lineweaver be appointed to a second term of four years on the Board. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Community Services (Chapter 10) Board noting that the second term of Ms. Mary G. Morris expired on July 1, 1991, rendering her ineligible for reappointment. Council Member Dingledine offered a motion that Ms. Mary Ellen Chewing of 124 Southampton Drive, be appointed to a first term of three years, expiring on July 1, 1994, to the Community Services Board. The motion was seconded by Council Member Rhodes and approved with a unanimous vote of Council.

✓ Council Member Heath offered a motion to reaffirm previous action taken authorizing the Harrisonburg Redevelopment and Housing Authority to purchase properties on North Liberty Street for public purposes and to refer the matter of a need for a parking deck back to the Harrisonburg Redevelopment and Housing Authority and the Parking Authority for further study. The motion was seconded by Council Member Dingledine, and approved with a majority vote of Council, with Mayor Green and Council Member Kite abstaining.

At 10:50 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING
JULY 23, 1991

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Peterman.

Minutes of the regular meeting held on July 9, 1991, approved as corrected.

The City Manager's monthly progress report was presented and ordered filed.

✓ City Manager Milam presented for Council's consideration of approval the Solid Waste Management Plan which was prepared by Draper Aden Associates for submittal to the State. Council Member Heath offered a motion that the Solid Waste Management Plan be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of approval for a second and final reading an ordinance enacting Title 6, Chapter 2, Article C of the City Code - Solid Waste Recycling. Council Member Kite offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingleline and approved with a unanimous recorded vote of Council.

✓ City Manager Milam presented for Council's consideration of approval an amendment to the sick leave policy which would grant credit for all unused sick leave toward payment of medical insurance. Following discussion Council Member Heath offered a motion that the amendment be referred back to a committee for further study and that one Council member serve on the committee. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ City Manager Milam reviewed the proposed schedule regarding a \$20,000,000 Bond Issue by the Harrisonburg Redevelopment and Housing Authority for the Regional Jail and Lower Court Complex. Manager Milam reviewed several items that have to take place this summer if the bond issue is sold on or before Sept. 8, 1991. Manager Milan noted that this is a very critical date because it is the date that the supreme court will issue a new opinion concerning the Fairfax County case which has put a hold on this project. Manager Milam noted that the jail committee has been meeting frequently and noted that a notice has appeared in the newspaper concerning the validation of the project, with the validation hearing scheduled in Circuit Court on August 6, 1991. Mr. Milam noted an official statement should be circulated by the end of this week with pricing around the 27th of August, and the agreements being signed on August 28th by the City, the County and the Housing Authority. Mr. Milam noted that they hope to close the project on September 5, 1991. Manager Milam noted that he is requesting Council to approve the following resolution which actually approves the drafts of certain documents:

✓ RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG VIRGINIA,
REGARDING THE REGIONAL JAIL AND LOWER COURTS COMPLEX FINANCING

WHEREAS, on June 25, 1991, the Council of the City of Harrisonburg, Virginia (the "City Council"), adopted a resolution approving a plan for the issuance, offering and sale by the Harrisonburg Redevelopment and Housing Authority (the "Authority") of its public facility lease revenue bonds in an amount estimated to be approximately \$20,000,000 (the "Bonds") to finance the acquisition, construction and equipping of a regional jail and lower courts complex (together with the underlying real property, the "Project") to be leased by the Authority to Rockingham County Virginia (the "County") and the City of Harrisonburg, Virginia (the "City"); and

WHEREAS, there have been presented to this meeting drafts of the following documents (the "Documents") in connection with the transactions described above, copies of which shall be filed with the records of the City Council:

(a) Ground Lease between the Board of Supervisors of Rockingham County, Virginia (the "Board of Supervisors"), the City and the Authority conveying to the Authority interests in certain real property constituting part of the Project (the "Ground Lease");

(b) Lease Agreement between the Authority, the Board of Supervisors and the City conveying to the County and the City a leasehold interest in the Project (the "Lease Agreement"); and

(c) Trust Agreement between the Authority and the Trustee, pursuant to which the Bonds are to be issued, which is to be acknowledged and consented to by the Board of Supervisors and the City (the "Trust Agreement");

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

1. The Authority has requested and received proposals for underwriters to purchase the Bonds from the Authority and make a public offering of the Bonds. ON the basis of such proposals, the City concurs with the Authority and the Board of Supervisors in the selection of Craigie Incorporated and Wheat, First Securities, Inc., as underwriters (the "Underwriters") for the bonds.
2. The Mayor and Vice-Mayor of the City, either of whom may act, is authorized and directed to execute and deliver the Ground Lease and the Lease Agreement and to acknowledge and consent to the provisions of the Trust Agreements.
3. The Documents shall be in substantially the forms submitted to this meeting, which are approved, with such completions, omissions, insertions and changes as may be approved by the officer executing them, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.
4. The Project is declared to be essential to the efficient operation of the City, and the City Council anticipates that the Project will continue to be essential to the operation of the City during the term of the Lease Agreement. The City Council, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Lease Agreement and recommends that future City Councils do likewise during the term of the Lease Agreement.
5. The City Manager is authorized, upon consultation with the Underwriters, to pursue purchasing bond insurance to insure the payments of principal and interest on the Bonds. The Mayor or Vice-Mayor is authorized to consent to such changes to the form of the Documents as may have been agreed to by the Authority and the Board of Supervisors to comply with the requirements to the bond insurer.
6. The Mayor or Vice-Mayor, the City Manager, the Director of Finance and all other officers of the City are authorized and directed to work with representatives of the Authority, its counsel, the County, its counsel, Hunton & Williams, as bond counsel, and the Underwriters to perform all services and prepare all documentation necessary to bring the Bonds to market, including without limitation filing the Documents with the Circuit Court of the County in connection with the validation proceeding authorized by the resolution adopted by the City Council on June 25, 1991, and preparing final forms of the Documents.
7. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds. The City shall pay from its legally available general funds its portion of any amount required to be rebated to the United States of America pursuant to the Code.
8. The City covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in (a) 10% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the City's use of the Project, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.
9. The City Council consents to Hunton & Williams serving as counsel to the Underwriters as well as bond counsel.
10. All other acts of the Mayor or Vice-Mayor and other officers of the City that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds and the undertaking of the Project are approved and ratified.

11. This resolution shall take effect immediately.

The undersigned City Clerk of the City of Harrisonburg, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the City Council held on the 23rd day of July, 1991, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and seal of the City of Harrisonburg, Virginia, this _____ day of July, 1991.

City Clerk, City of Harrisonburg,
Virginia

Following the reading of the resolution by City Attorney Thumma, Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council. Council Member Kite noted that he feels the Council should be made aware of the fact that since the County owns the old Jail buildings, they reserve the right that at any time in the future they can request that the demolition contract be continued to include the old jail buildings. Mr. Kite also noted that when the jail is completed there will be a surplus of spaces and the City of Harrisonburg could possibly get surplus offenders from other areas to be jailed in Harrisonburg on a temporary basis. Mr. Kite noted that the State of Virginia wants jails to be over built so this surplus space will be available. Mr. Kite further noted that along with the jail construction on Liberty Street and West Market Street, two other City projects will be going on at the same time which will be construction on the bridge in front of Wetsels and in front of Dentons' Floor Covering.

✓ Ms. Nancy Garber expressed concerns over the effect of a large jail and Harrisonburg being a "dumping ground" for out of town prisoners. Ms. Garber stated that she feels the parking deck and the jail complex should be tabled until after the next election. Ms. Garber stated that the parking authority needs an "overhaul" noting that the laws need to be studied along with consideration being given to shorter terms for the parking authority members and that regular meetings be held. Following comments from Ms. Betty Jolly, member of the parking authority, Mayor Green suggested that Ms. Jolly arrange a meeting with Ms. Garber and the Parking Authority so Ms. Garber's concerns can be addressed.

X At 8:45 p.m. Vice-Mayor Rhodes offered a motion for Council to enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Harrisonburg City School Board and the Blue Ridge Diversionary Program Community Corrections Resources Board, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consideration of a personnel matter, exempt from the public meeting requirements pursuant to Section 2.10344(1) of the Code of Virginia. The motion was seconded by Council Member Heath and approved with a unanimous recorded vote of Council.

At 10:15 p.m., the executive session closed, and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.


✓ Inasmuch as public hearings were held on June 11th and June 25th, to hear citizen's views and comments concerning appointments to the City School Board, Mayor Green said that consideration should be given at this time for two appointees due to the expiration of the second term of Mr. Ned Hillyard and the expiration of the first term of Ms. Barbara T. Wheatley. Council Member Heath offered a motion that Mr. C. Danny Woodruff of 1101 Ridgewood Drive be appointed to a first term of three years on the School Board representing the east ward; term expiring on June 30, 1994. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council. Vice-Mayor Rhodes offered a motion that Mr. Wayne Wright of 440 Rockingham Drive be appointed to a first term of three years on the School Board representing the west ward; term expiring on June 30, 1994. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Blue Ridge Diversionary Program Community Corrections Resources Board inasmuch as Ms. Weaver's term expired on June 30, 1991. Council Member Dingleline offered a motion that Ms. Agnes Weaver be appointed to another term on the Corrections Resources Board. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Following discussion Council Member Dingleline offered a motion to authorize the Mayor to write a letter to the chairman of the Harrisonburg Rockingham Regional Sewer Authority stating that the City of Harrisonburg objects to the Sewer Authority conducting a study for a Water Authority. Council Member Heath

expressed the desire that this action not "close the doors" to the possibility of a water authority study by an independent group. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

At 10:20 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

AUGUST 13, 1991

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Lieutenant Holloway and City Auditor Peterman.

Minutes of the regular meeting held on July 23, 1991, approved as corrected.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of July, 1991.

From the Police Department - A report of fines and costs collected - \$2,542.05; cash collected from street parking meters - \$6,233.68; total cash collected and paid on accounts and turned over to the City Treasurer - \$8,775.73.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of July, 1991, in the amount of \$73.67.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of July, 1991.

✓ City Manager Milam presented a request from Mr. Lance K. Braun, of Ruggieri-USA requesting authorization to conduct a fireworks display on Saturday, September 7, 1991, at Bridgeforth Stadium of JMU for their opening night game of the 1991 football season. Following further comments, Vice-Mayor Rhodes offered a motion that the fireworks display be approved. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission held on July 17, 1991:

"...The director explained the request to close an alley running between the 500 block of Federal Street and Layman Avenue. Mr. Sullivan said that he had spoken to Mr. Nissley, Mr. Kelly, Mr. Button and Mr. Vanderwarker, the adjoining neighbors involved, and they would all like the alley closed. Mr. Vanderwarker and Mr. Button are not interested in buying their allotted sections of land. Mr. Nissley and Mr. Kelly are interested in buying theirs, as well as their adjoining neighbors, if city approves. Mr. Rhodes asked if there were any structure on Mr. Kelly's lot. Mr. Sullivan answered, "Yes, there is a 4 unit apartment which is actually touching the 10 foot alley." Mr. Rhodes recommended that City Council appoint a Board of Viewers. Mr. Neff seconded the motion. All voted aye..."

Planning Director Sullivan called Council's attention to a map and pointed out the alley that is being requested to be closed. Following further comments, Mr. Sullivan noted that the Planning Commissioners are recommending that this alley be closed and that a Board of Viewers be appointed to review the closing. Council Member Heath offered a motion that the recommendation of the Planning Commission be accepting, that the City advertise for a public hearing on this closing and that the existing Board of Viewers be requested to review the

closing. The motion was seconded by Council Member Dingedine and approved with a unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of approval the following proposed resolution regarding the placement of all utilities along South Liberty Street at the new City/County Judicial complex:

**RESOLUTION REGARDING THE PLACEMENT OF ALL UTILITIES ALONG
SOUTH LIBERTY ST. AT THE NEW CITY/COUNTY JUDICIAL COMPLEX**

WHEREAS, the City of Harrisonburg and the County of Rockingham are participating in the construction of a new Judicial Complex along both sides of South Liberty Street, in the downtown area of the City of Harrisonburg, and

WHEREAS, it is the desire of the Harrisonburg City Council to have all utilities along South Liberty Street, where the Judicial Complex is being constructed, be placed underground;

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

That all utilities along South Liberty Street, which will be reconstructed for the new City/County Judicial Complex, be placed underground and all expenses associated with placing the utilities underground shall be borne by the companies providing the same.

APPROVED AND ADOPTED this 13th day of August, 1991.

CITY OF HARRISONBURG, VIRGINIA

COPY TESTE:

City Manager Milam warned the City Council that there will be some opposition from the utility companies on this resolution because of the problems the City has encountered on the Port Road project. Council Member Heath, in noting that he feels the utilities should be underground in the downtown area, offered a motion that the resolution be approved. Prior to a second to the motion, Dr. Green requested Mr. Milam to give an update on the progress of getting the utilities underground on Port Road. Mr. Milam explained that the cable company and telephone company have indicated that they have no desire to place their utilities underground unless the City pays the additional charge. Mr. Milam further noted that HEC has provided underground trenching and stated that HEC would like to share the excavating costs with the other utility companies. Mr. Milam explained that a letter was prepared to the utility companies stating that the City desires all utilities to be placed underground and if they refuse, then they would not be permitted to use the public right-of-way and would have to acquire their own rights-of-way. Mr. Milam stated that the telephone company is requesting approximately \$125,000 additional compensation for the difference between underground and above ground facilities; with the cable company requesting about \$80,000 and HEC requesting between \$200,000 and \$300,000. Mr. Milam went on to say that an extra 15 foot right-of-way has been acquired for the utilities on the south side of Port Republic Road and has been deeded to them. Manager Milam explained that as a result of this the utilities feel they have a private easement, outside of the public easement, and do not have to obey the direction of the City. Following further comments, Vice-Mayor Rhodes seconded the motion to approve the resolution. The motion was approved with a unanimous vote of the City Council.

✓ City Manager Milam presented for Council's consideration a fourth proposal in which to amend the employee's sick leave policy by allowing credit for unused sick leave at retirement for the payment of hospital insurance following retirement. Mr. Milam explained that this proposal has been worked on by a committee which was appointed by the Mayor and consisted of Mr. Jack Neff, Council Member Heath and himself. Mr. Milam explained that to be eligible for this benefit you have to have 20 years of service and be at least 55 years of age and retire under what is known as "service retirement". Mr. Milam then reviewed the procedure eligible employees must go by to receive this benefit. Manager Milam noted that this plan will cover the municipal department and Harrisonburg Electric Commission. Mr. Milam further noted that the School Board is outside of these regulations and has a different plan, which is not tied to sick leave, that was approved in June, 1991. Council Member Heath noted that one of the considerations in looking at this plan, is that since people make a choice to retire early, it has been hinged to sick leave to reward employees for being frugal with their sick leave. Mr. Heath stated that the committee feels that the full benefit should not be rewarded to everyone who chooses to retire at age 55, plus it would be extremely costly. Mr. Heath concluded in stating that the committee feels that this plan being proposed is a sufficient reward to encourage people to accumulate sick leave. Vice-Mayor Rhodes noted that he feels everyone should be treated fairly and expressed concern over the differences between the School Board's plan and this proposed plan for the City. Mayor Green stated that

it concerns him that employees on the bottom of the scale, who have been loyal to the City for many years may not be able to carry their insurance. Mayor Green stated that he feels the City's plan should be tied in with the State plan to help the lower salaried employees and Mayor Green also noted that he feels the School Board should do the same. Following further comments, Mayor Green requested that this proposal be further studied to see if it can be tied in with the State's plan. Mayor Green also requested a copy of what the School Board passed and requested that the committee working on this proposal meet with the School Board on this matter.

✓ City Manager Milam presented for Council's consideration of approval the following bid tabulations for the site demolition work for the joint judicial complex:

Action Construction, Inc., Roanoke	- \$482,550
S.B. Cox, Inc., Richmond	- 293,000
Forkovitch Construction Co.	- 478,268
Nielsen Construction, Co.	- 565,344

City Manager Milam noted that these quotes are for demolition of 17 buildings on Market Street and South Liberty Street. Manager Milam stated that the estimated demolition costs from the architect was \$385,000, and that S. B. Cox is being recommended by the architect. Manager Milam explained that he would like for the City Council to act on the low bid, which was \$293,000 from S. B. Cox Inc., and noted that this company did the demolition work on the B. Ney property and the Kavanaugh Hotel. Manager Milam further noted that he made a telephone agreement with Mr. Bill O'Brien that 50% of the waste materials will be buried at the City landfill and that 50% will be buried at the County landfill. Manager Milam explained that this agreement is necessary because the nearest authorized disposal site is in Richmond and it would cost a premium to haul the waste materials that distance. Following further comments, Council Member Heath offered a motion that S. B. Cox be awarded the demolition contract as recommended by the architect. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ For clarification purposes, Manager Milam explained that the article in the Daily News Record concerning the permits required for the construction of the new jail was not correct; further noting that the person that made the statement was in error and has no authority at this job site. Manager Milam added that the City of Harrisonburg will do all that is appropriate on this particular site. Manager Milam further noted that this same article contained another error in that it stated that Mr. Milam said that "Mr. O'Brien knew more about the project than the other city officials. Mr. Milam noted that what he had actually said is that there was an agreement with the committee that he would be the spokesperson for the City and Mr. O'Brien would be the spokesperson for the County, but between the two, Mr. O'Brien would take the lead part.

✓ City Manager Milam presented for Council's consideration of approval proposed amendments to the rules for conduct of grievance hearings to bring the City of Harrisonburg grievance procedure in compliance with the 1991 amendments to the Code of Virginia. Following comments from Assistant City Manager Baker, City Attorney Thumma stated that there are only two new rules that had to be added to the City's original grievance procedure. Mr. Thumma noted that he redrafted all the rules to make it comply with the state statutes. Vice-Mayor Rhodes offered a motion that the amendments to the grievance procedure be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Milam called Council's attention to their copies of the certification of satisfaction for 409-411 South Main Street. Mr. Milam explained that this certificate is a result of a proposal that was made in March, 1988 to purchase the Sears Building, which is next to the Municipal building, based on a four year appropriation plus seven percent interest. Mr. Milam noted that as of July 22, 1991, all the notes have been paid for and the Certification of Satisfaction has been filed by the City Attorney.

✓ Mayor Green questioned if there is anyway to help Mrs. Baker, who lives in Ridgeville, with her driveway. Manager Milam explained that he has met with her and the City offered a proposal, which she was not satisfied with. Following discussion, Mayor Green requested that the City still try and work with her on her driveway.

✓ Council Member Heath stated that he feels the City should have some type of recognition held during public meetings for persons completing terms on Boards and Commissions, noting that these persons serve voluntarily out of interest in the City. Mr. Heath suggested possibly a plaque, resolution or a dinner to say thank you for your service.

✓ City Manager Milam presented a zoning application from Mr. Bruce Forbes requesting that the flood plain be changed on 10 acres of land located on the west side of Port Republic Road. Council Member Heath offered a motion that this request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Vice-Mayor Rhodes noted that previously he had voiced concern over the condition of the Old Imperial Ice Cream building at Main and East Johnson Street.

Mr. Rhodes noted that the permit to stop work has been ordered, but they have only moved the debris from the front of the building to the back. Mr. Rhodes stated that he feels something still needs to be done about this debris and noted that weeds have grown over the new fence.

✓ City Manager Milam explained that several years ago the City Council talked with the School Board concerning surplus lots on Bruce Street owned by the School Board. Mr. Milam noted that the City Council asked the School Board if they had no need for the lots on Bruce Street to return them to the City, who in turn had promised them the Redevelopment and Housing Authority to be utilized in their State Grant Program to construct single family homes on scattered sites. Mr. Milam stated that three surplus lots are located North of Memorial Stadium and one more lot is on the corner of Brook Avenue and Bruce Street. Following further discussion, Mr. Milam stated that he is bring this to City Council with the request for authorization for the City to proceed with acquiring the deeds for lots 10, 11 and 12 of Block E on Bruce Street. Mr. Milam noted that the School Board wants to retain ownership of the lot on the corner of Brook Ave. and Bruce Street. Vice-Mayor Rhodes offered a motion for the City to proceed with acquiring the deeds for these properties. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

At 8:58 p.m., Council Member Heath offered a motion for Council to enter an executive session for discussion and consideration of the prospective candidates to be appointed the Board of Public Welfare and the Upper Valley Regional Park Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consideration of a personnel matter, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia; and for discussion and consultation with the City Attorney concerning probable litigation, exempt from the public meeting requirements pursuant to Section 2.10344(7) of the Code of Virginia. The motion was seconded Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

At 11:25 p.m., the executive session closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Vice Mayor Rhodes offered a motion to authorize the Department of Engineering and City Attorney to prepare a deed for the northwest section of the tip top fruit farm, with necessary easements reserved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

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

Judy M. Gray
CLERK

Walter F. Brown
MAYOR

REGULAR MEETING
AUGUST 27, 1991

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes and C. Robert Heath; City Clerk Judy M. Gray; Captain Fairweather and City Auditor Peterman. Absent: Council Members Emily Dingledine and Curtis Kite.

Minutes of the regular meeting held on August 13, 1991, approved as read.

The City Manager's monthly progress report was presented and ordered filed.

✓ City Manager Milam presented a request from Wampler-Longacre Turkey, Inc., requesting that a parcel of land be vacated on North Liberty Street. Vice-Mayor Rhodes offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council Members present.

✓ City Manager Milam presented a letter from residents of Bridle Court in Greendale subdivision requesting permission to hold a block party on a public street for Greendale residents on Saturday September 7, 1991. Following discussion, Council Member Heath offered a motion that the request be denied due to lack of information and because the City does not provide liability insurance for this type of event. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council Members present.

✓ City Manager Milam noted that the Sewer Authority's Annual Budget (as amended), which was to be presented this evening will be carried over to the next City Council meeting due to two Council Members being absent.

✓ Concerning the lots on Bruce Street owned by the School Board, City Manager Milam stated that the School Board has petitioned to file a resolution with the Clerk of the Court declaring that these lots are surplus lots. City Manager Milam explained that the City Attorney will prepare deeds conveying these lots to the Redevelopment and Housing Authority to develop single family homes on.

✓ City Manager Milam called Council's attention to a letter from Mr. Alan Hiner, School Superintendent, which states that the School Board passed a resolution on August 20, 1991, authorizing application for participation in the Virginia Public School Authority 1991 fall bond series in an amount not to exceed \$6.25 million. Manager Milam reviewed the schedule for the construction of the new elementary school and noted that the school is to be ready for occupancy by the fall of 1993. Manager Milam noted that he would like for the City Council to authorize the go ahead for this project so the site design can be finalized as well as the design for the water and sewer lines and access road. Manager Milam explained that \$280,000 is all that is needed, until next May, to get the project started; and if it is agreeable with the Council, the grading could get under way this winter. Manager Milam stated that an interfund transfer within the school budget could be done so monies would not have to be appropriated until the spring bond issue. Following further discussion, Vice Mayor Rhodes offered a motion that the school board be given authorization to proceed with this project. The motion was seconded by Council Member Heath, and approved with a unanimous vote of the Council Members present.

✓ City Manager Milam presented the following re-amended joint resolution of the Board of Supervisors of the County of Rockingham, Virginia and the Council of the City of Harrisonburg, Virginia:

WHEREAS, the Rockingham County Board of Supervisors and the Harrisonburg City Council have duly considered the recommendation of a joint study committee which recommends the construction of a joint regional jail facility as contemplated under Section 53.1-81 of the Code of Virginia, 1950, as amended, and

WHEREAS, both Governing Bodies have determined it to be in their best interest to join in this resolution requesting the Department of Corrections to obtain funding from the General Assembly of Virginia to provide the state share of construction costs as provided in Section 53.1-83 of the Code of Virginia, 1950, as amended, and

WHEREAS, both Governing Bodies have entered into an agreement, dated October 9, 1990, to construct said joint regional jail facility, now

THEREFORE BE IT RESOLVED that the County of Rockingham, Virginia, and the City of Harrisonburg, Virginia, agree as follows:

1. They shall participate jointly in this regional jail facility.
2. The number of beds in this regional jail facility shall be two hundred twenty-eight (228)
3. The estimated cost of this regional jail facility is \$14,763,259.

4. They will share equally in the cost of construction of this regional jail facility.

5. They have been and will continue to share equally in the incidental development and study cost.

BE IT FURTHER RESOLVED that the County of Rockingham, Virginia, and the City of Harrisonburg, Virginia, shall participate in this regional jail facility and they hereby request the State Board of Corrections to take the necessary steps to provide for reimbursement as soon as possible.

COUNTY OF ROCKINGHAM,
VIRGINIA

CITY OF HARRISONBURG
VIRGINIA

Chairman

Mayor

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City Manager Milam explained that basically what this resolution does is lowers the estimated cost of the regional jail facility from \$15,408,852 to \$14,763,259. Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of the Council Member present.

✓ City Manager Milam introduced Mr. Peter H. Shea from Craigie Incorporated and noted that Mr. Shea will make a presentation on the pricing of the bonds. Mr. Shea noted that the City of Harrisonburg received an A rating by Moody Investment Corporation which is a very strong rating and an interest rate of 7.16%. Mr. Shea stated that he feels this is a very attractive interest rate and would like to complete the bond issue and get the money on hand; further noting that approval is needed this week. Mr. Shea also noted that reimbursement by the State will be at the end of the project and that they anticipate to receive one half of the 14 million. Following further comments, Vice-Mayor Rhodes offered a motion authorizing the Mayor to sign the following resolution:

RESOLUTION APPROVING DOCUMENTS AND AUTHORIZING ACTIONS IN CONNECTION WITH THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF \$21,755,000 PUBLIC FACILITY LEASE REVENUE BONDS (ROCKINGHAM COUNTY AND CITY OF HARRISONBURG PROJECT), SERIES OF 1991

WHEREAS, on July 9, 1991, the Council of the City of Harrisonburg, Virginia (the "City Council"), adopted a resolution approving a plan for the issuance, offering and sale by the Harrisonburg Redevelopment and Housing Authority (the "Authority") of its public facility lease revenue bonds (the "Bonds") in an amount estimated to be approximately \$20,000,000 to finance the acquisition, construction and equipping of a regional jail and lower courts complex (together with the underlying real property, the "Project") to be leased by the Authority to Rockingham County, Virginia (the "County"), and the City of Harrisonburg, Virginia (the "City");

WHEREAS, on July 23, 1991, the City Council adopted a resolution approving drafts of a Ground Lease (the "Ground Lease") between the Board of Supervisors of the County (the "Board of Supervisors"), acting on behalf of the County, the City and the Authority, a Lease Agreement (the "Lease Agreement") between the Authority, the Board of Supervisors, acting on behalf of the County, and the City and a Trust Agreement (the "Trust Agreement") between the Authority and Crestar Bank, as Trustee in connection with the Transactions described above, and authorizing the taking of necessary actions in connection with bringing the Bond to Market:

WHEREAS, the City Manager and other City officials took certain actions to bring the Bonds to market and now desire approval of the details of the Bonds and certain documents, as well as ratification and confirmation of certain actions, in connections with the sale of the Bonds; and

WHEREAS, there have been presented to this meeting the following documents, several of which incorporate revisions to drafts presented at the July 23, 1991, meeting, in connection with the issuance, offering and sale of the Bonds, copies of which shall be filed with the records of the City Council:

- (a) Ground Lease
- (b) Lease Agreement
- (c) Trust Agreement, including the form of the Bonds;
- (d) Bond Purchase Agreement (the "Bond Purchase Agreement"), between the Authority and Craigie Incorporated and Wheat, First Securities, Inc.,

- as underwriters (the "Underwriters"), to be acknowledged and agreed to by the County and the City; and
- (e) Preliminary Official Statement of the Authority, dated August 20, 1991 (the "Preliminary Official Statement"), prepared in connection with the offering of the Bonds;

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. The City Council approves issuance of the Bonds in a principal amount of \$21,755,000 upon the terms set forth in Exhibit A.
2. The City Council approves the forms of the Ground Lease, the Lease Agreement, the Trust Agreement and the Bond Purchase Agreement presented to this meeting and authorizes and directs the Mayor or the Vice-Mayor to execute and deliver such document with such completions, omissions, insertions and changes as may be approved by the officer executing them his execution and delivery to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.
3. The City Council deems the portions of the Preliminary Official Statement relating to the City "near final" as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission.
4. The City Manager, in collaboration with the Underwriters and officials of the County and the Authority, is authorized and directed to approve such completions, omissions, insertions and changes in the Preliminary Official Statement as are necessary or desirable to reflect the terms of the Bond Purchase Agreement and to complete it as a final Official Statement (the "Official Statement") and to approve the distribution of the Official Statement by the Underwriters. The City Manager is authorized on behalf of the City to deem the Official Statement final as of its date within the meaning of Rule 15C2-12 of the Securities and Exchange Commission. The Mayor, the Vice-Mayor of the City Manager is authorized and directed to execute and deliver the Official Statement to the Underwriters. Such execution and delivery shall be conclusive evidence that it has been approved and deemed final by the City.
5. All other acts of the Mayor or Vice-Mayor and other officers of the City that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Bonds and the undertaking of the Project are approved and ratified.
6. This resolution shall take effect immediately.

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council members present.

✓ City Manager Milam presented for Council's consideration a letter from the Utility Billing Department recommending that a list of delinquent accounts be written off as uncollectible. Following comments, Council Member Heath offered a motion that the delinquent accounts be written off. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ City Manager Milam presented a letter from John and Whitney Beach requesting that Section 15-2-2 of the Harrisonburg City Code be amended to exclude Vietnamese Pot-Belly Pet pigs. The letter stated that Mr. and Mrs. Beach have one of this type pig as a pet and wish the ordinance to be amended so they are not in violation. For Council's information, Ms. Beach passed around pictures of their pet and also supplied the Council with information about this type pig and a letter from their veterinarian. Following comments from neighbors in support of this type pet being allow in the neighborhood and comments from Mr. Gene Wolfe, very much opposed to allowing pigs in the City, Mayor Green requested that a meeting between all interested parties be arranged to work out something that is agreeable to everyone involved.

✓ Mr. Don Neff, one of the owners of the Ole Virginia Ham Cafe was present in the meeting to state his dissatisfaction with the way the City has handled the negotiations with him in acquiring his property for the jail. Mr. Neff stated that he feels he has never really been given the opportunity to negotiate with the City and that the condemnation proceeding have been driven over their heads. Mr. Neff further noted that this action is devastating to the restaurant and he just wants to talk with someone, or some group, to give them some satisfaction in the matter. Mr. Neff stated that what is being offered to them is about one half of what it will cost them to replace what is being taken away from them by the City and County. Mr. Neff also explained that the original offer presented to them, which was to give them equal space was reneged on after the Rockingham Motor Company purchase fell through. Following lengthy discussion as to other available space in the downtown, etc. Mayor Green recommended that Mr. Neff

present this same case to the County at the suggestion of the City and also requested the City Manager to arrange a meeting between Mr. Neff, Mr. Deskins and the Jail Committee.

✓ City Manager Milam read the following results of the bid opening for the judicial complex road and bridge reconstruction:

DLB. Inc.	\$583,346.42	\$ 861,017.90	\$1,444,364.32
Allegheny Const.	607,572.65	903,987.50	1,511,560.15
Lanford Brothers	807,458.14	759,701.70	1,567,159.84
W.C. English, Inc.	589,398.50	1,016,307.75	1,605,706.25

City Manager Milam then requested City Engineer, Art Wilcox to review the scope of the project. Mr. Wilcox explained that basically the project involves the reconstruction of Liberty St. from Water St. to Elizabeth St. and West Market from the railroad to Court Square with the bridges included and Blacks Run connected between the two bridges. Mr. Wilcox noted that what started out as a simple project has turned into a very complex engineering project because the utilities were found to be very old and are unacceptable by today's standards plus there is no place to stop the storm drainage. Mr. Wilcox noted that there is also a problem with ground water getting into the old J. C. Penney building. Because of these problems, Mr. Wilcox stated that some changes have been made in the original concept of the project. Mr. Wilcox further discussed the need for a cover on the connector which has increased the cost of the connector approximately \$220,000 plus an additional \$101,000 for frames and \$10,000 additional design fees to the consultant. Mr. Wilcox cited further problems with getting the utilities overhead, noting that to date, HEC is the only utility making plans to go underground. Mr. Wilcox stated that this project is urgent, because the jail project cannot be started until the connector is completed. Mr. Wilcox further stated that in 1984 the bridges were recommend for replacement by 1990. Following further comments, Mr. Wilcox recommended to proceed with this project immediately. Mayor Green questioned why the previous resolution reduced the amount of money needed for the jail and this proposal is increasing the amount of money needed. Following further discussion, Mayor Green requested that this be presented to the jail committee for them to decide where the additional money will come from Vice-Mayor Rhodes offered a motion that this be presented to the jail committee. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council members present.

At 10:00 p.m. there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green, Jr.
MAYOR

REGULAR MEETING

SEPTEMBER 10, 1991

At a regular meeting of Council held this evening at 7:30 p.m., in the Council Chambers there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Fairweather and City Auditor Peterman.

Minutes of the regular meeting held on August 27, 1991, approved as read.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of August, 1991.

From the Police Department - A report of fines and costs collected - \$2,718.55; cash collected from street parking meters - \$8,292.19; total cash collected and paid on accounts and turned over to the City Treasurer - \$11,010.74.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of August, 1991, in the amount of \$448.27

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints rereads, etc. for the month of August, 1991.

✓ City Manager Milam presented a request from Edsel E. Edwards and Frances L. Edwards and Heifer Investments that the property owned by them situated on the south side of Pleasant Hill Road and the west side of Willow Hill Drive be rezoned from R-2 to R-3. Council Member Heath offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ City Manager Milam requested City Auditor, Philip Peterman to review the proposal concerning the Cafeteria 125 Plan, (flexible benefits plan.) Mr. Peterman stated that the flexible benefits plan allows employees to increase their take home pay and their insurance benefits by decreasing their taxes. Mr. Peterman reviewed the savings to the employees and the City and noted that it is totally up to each individual employee as to whether they wish to participate in the plan. Mr. Peterman explained that a representative of the company would speak with each employee individually to explain the plan and see if the employee is interested in participating in the pre-tax plan. Council Member Heath noted that the employees need to know that they will lose some Social Security benefits if they join this plan and stated that it would be his request that this be done in each individual interview and not just by letter. Following further discussion, Mayor Green requested that this matter be carried on the next City Council agenda.

✓ City Manager Milam called Council's attention to a proposed deed to be conveyed between the City of Harrisonburg and the School Board. Manager Milam explained that this deed covers the western portion of Tip Top Fruit Farm which presently does not have an access roadway or water and sewer. Manager Milam noted that a roadway has been laid out from Port Republic Road to the top of the hill and further noted that the acreage contained in this tract is 22.255. Following further comments, Vice-Mayor Rhodes offered a motion that the deed be approved. The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

✓ City Manager Milam called Council's attention to the Harrisonburg-Rockingham Regional Sewer Authority's 1990-91 annual report of operations and pointed out that they have budgeted \$54,000, to be funded from construction monies, for a water management study. Manager Milam also pointed out in the Financial Statements, dated June 30, 1991, where monies have been transferred from the construction accounts. In calling Council's attention to page three of the agenda of the regular meeting of the Sewer Authority, Manager Milam noted where they make reference to a resolution which directs Mr. Poe to prepare an amendment to the Authority's budget to provide funds for financing the water management study. Manager Milam also noted where the Authority amended the definition of "the project" to include water, which he stated he does not feel the authority has the power to do. Manager Milam also called Council's attention to a summary report of the cost allocations for the authority noting that Harrisonburg's projected share is 11 and 1/2 million out of a total of \$15,625,000. Manager Milam noted that how the money is pro-rated to the jurisdictions, needs to be seriously considered. Vice-Mayor Rhodes noted that he feels that the Authority needs another formula for the allocations. Mr. Bob Gordon, member of the Authority, stated that he also feels the formula needs further consideration.

✓ City Manager Milam called Council's attention to their copies of Moody's Municipal Credit Report concerning the judicial project and noted that this is for Council's information. Manager Milam further noted that the demolition work is underway and there are approximately 17 buildings to be demolished. Manager Milam stated that there is another pending contract that should take place which was reviewed at the last City Council meeting. Manager Milam stated that he does not have a final financial plan as to how it will be paid for; but noted that he

had met with Bill O'Brien and Don Kruger in reference to trying to separate the cost of the Blacks Run connector and the building frames that will wrap around the connector. Manager Milam noted this has been referred to the Va. Beach architect as well as the architect in Richmond and the bridge engineer from Lynchburg. Manager Milam stated that, as of this evening, he has not received an agreement of understanding as to how this will proceed. Manager Milam explained that the date of December 16, 1991, is targeted as advertising date for the major construction; with a tentative date of January 20, 1992, to receive the bids for the jail. Manager Milam stated that it is absolutely essential that the Blacks Run connector and the building frames are in place before the advertising and bids can take place.

✓ Assistant City Manager, Roger Baker, gave the following report on erosion and sediment control.

In June of 1990 when I was named interim Administrator, I started transferring the responsibilities of enforcing the City's ordinance to the Department of Community Development. This was part of the "one stop shop" concept behind Community Development to more effectively and efficiently serve the public.

The first step was to cover inspection, which was done by using the Public Works inspectors and getting them State certified. Three of our inspectors are certified, and one is scheduled to test this fall. Our next step was to move the plan review and approval to the Community Development Department, which was done in late fall of 1990. During the spring we sponsored workshops on requirements, reasons and methods to control erosion and also had a demonstration of erosion control techniques. This was followed up in April by letters to certain property owners (primarily in the mall area) requesting they take the necessary action to bring their property into compliance with City ordinance. There was limited success with this effort, and in July inspections were made and notices to comply were sent to 16 property owners covering 22 sites. All but one property owner, as of this date, has complied with our requests. This property changed hands and it is our understanding that it will change again within a week to ten days.

We now feel confident to make the third and final step and transfer the administration to the Community Development Department. This means that the City Engineer, Art Wilcox, will be the administrator and Karen Koblisch, in his office, will serve as the office contact for obtaining Earth Disturbing Permits. Karen will also continue to assist with inspections and plan review and assist as needed. Bennie Roach, Chief Inspector, will serve as Mr. Wilcox's assistant in performing the field inspections, and will be supervising the other inspectors' daily activities. We believe that this allows for an efficient transition of enforcement of the City's Erosion and Sediment Control Ordinance.

✓ Ms. Nancy Garber was present in the meeting to request that a copy of the minutes be sent to the Rockingham Public Library so as to be available to the public at all times. Ms. Garber noted that she checked with the Library, and they have space available for the minutes. Council Member Heath offered a motion that the minutes be mailed to the Library. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 8:25 p.m., Vice-Mayor Rhodes offered a motion that Council enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Board of Public Welfare and the Upper Valley Regional Park Authority and a personnel problem exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

At 8:55 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 8:56 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

SEPTEMBER 24, 1991

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; City Manager Marvin B. Milam; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; City Auditor Peterman and Captain Duane Fairweather.

Minutes of the regular meeting held on September 10, 1991, approved as read.

The City Manager's monthly progress report for the month of August 1991, was presented and ordered filed.

✓ City Manager Milam presented the following resolution for Council's consideration of approval, noting that this was discussed and carried forward at the previous City Council meeting:

The undersigned Mayor of the CITY OF HARRISONBURG hereby certifies that the CITY COUNCIL of the CITY OF HARRISONBURG validly adopted for the following Resolutions at a meeting of the CITY COUNCIL held on September 24, 1991, and that such Resolutions remain in full force and effect:

WHEREAS, the CITY COUNCIL of CITY OF HARRISONBURG wish to adopt a Cafeteria Plan within the context of Section 125 of the Internal Revenue Code for the benefit of the Employer's eligible employees.

NOW, THEREFORE, BE IT RESOLVED, that the CITY COUNCIL hereby adopt the CITY OF HARRISONBURG Flexible Benefits Plan (consisting of the Flexible Benefits Plan Document, the Adoption Agreement, and component Benefit Plans and Policies) effective as of the date specified in the Adoption Agreement.

RESOLVED FURTHER, that any office of CITY OF HARRISONBURG authorized, without further CITY COUNCIL approval, to execute the Adoption Agreement and any related documents or amendments which may be necessary or appropriate to adopt the Plan or maintain its compliance with applicable federal, state, and local law.

Mayor _____

Date _____

Mr. Tom Belcher explained how the program works and discussed the savings that can be realized by an individual and a family if they take advantage of this plan. Mr. Belcher also stated that his company will furnish all the paper work and there will be no cost to the City whatsoever. Following further discussion, Council Member Heath offered a motion that the resolution be approved with it made perfectly clear that all employees are told, up front, that they are under no obligation to buy additional coverage and that there will be an effect on their social security benefits. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 18, 1991:

"...Having reviewed the comments presented during a Public Hearing on August 14, 1991, and having made several text adjustments during a special follow-up meeting on September 4, 1991, Regional Planner William Vaughn presented Errata Sheets Part I and Part II to the Commissioners. Planning Director Sullivan exhibited the files and newsclippings generated over two years by the Citizens Advisory Committee for the Comprehensive Plan, and Chairman Hughes noted that two Commissioners, Messrs Neff and Rexrode, served on the Citizens Advisory Committee. he concluded that City Council will hold its own Public Hearing and the Plan will be a general guide for the City over the next several years.

Mr. Neff moved for the Commission to recommend that the Harrisonburg Comprehensive Plan for 1991-2011 be approved, with Errata Sheets Part I and Part II attached as amendments to the first draft. Mr. Rexrode seconded the motion and all members present voted in favor..."

Planning Director Sullivan explained that a Citizens Advisory Committee was formed in July 1989 to review and put together the Comprehensive Plan and in 1990 public meetings were held concerning the Comprehensive Plan. Mr. Sullivan further noted that the Planning Commission received the plan in August, 1991, and also held a public hearing concerning the plan. Planning Director Sullivan called Council's attention to the two "key" maps of the Comprehensive Plan and noted that they are the road plan map and the land use guide proposal. Planning

Director Sullivan stated that it is the Planning Commission's recommendation that the Council accept the proposal presented this evening and schedule a public hearing. Following further comments, Mayor Green noted that a public hearing will be scheduled for the Comprehensive Plan.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 18, 1991:

"...Attorney Roger William, representing Wampler-Longacre Turkey, Inc., described a plat showing a portion of Jackson Street and a 14' alley in W.N. Gay's Addition. His client owns the properties on both sides of the roadway which serves Wampler-Longacre's North Liberty Street plant. If closed, Wampler-Longacre desires to build a wider access roadway from North Liberty Street to the plant's parking areas. Mr. Williams showed an overall neighborhood map to the Commissioners, adding that the eastern portion of Jackson Street and north half of Massanutten Street were closed on earlier dates.

Mr. Neff moved and Mr. Rexrode seconded his motion for the Commission to recommend closing 138' of Jackson Street and 50' of a 14' alley in W.N. Gay's Addition, and the Board of Viewers be appointed to visit the site and report to City Council. All members present voted in favor..."

Planning Director Sullivan noted that this is a request to close a portion of a public right-of-way which is a portion of Jackson Street and a small part of an alley. Following further comments, Vice-Mayor Rhodes offered a motion that the existing Board of Viewers be requested to review this closing request and gave authorization for a public hearing to be scheduled. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 18, 1991:

"...Mr. Neff concluded a lengthy debate concerning V.F.W.'s and the Commission's proposed rezoning of 12 parcels along the east side of Waterman Drive from M-1 Industrial to B-2 General Business, by moving that the Commission recommend rezoning the V.F.W. Rion-Bowman Post 632 only. Mr. Rhodes seconded the motion and all members present voted in favor..."

Following comments, Council Member Kite offered a motion that the Planning Commission's report be accepted and a public hearing be scheduled for November 12, 1991. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 18, 1991:

"...Mr. Neff concluded a lengthy discussion of SB&F Company's request to rezone their Longview Oaks Apartments on the east side of Vine Street from R-2 Residential to R-4 Planned Unit Residential, by moving that the Commission recommend the change as presented. Mr. Wassum seconded the motion and all members voted in favor..."

Planning Director Sullivan handed out maps showing more of the neighborhood involved and noted that the SB&F Company is not doing this in order to build more apartments. Vice-Mayor Rhodes offered a motion that the Planning Commission's report be accepted and a public hearing be scheduled for November 12, 1991, to hear this request. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on September 18, 1991:

"...Following a Public Hearing to consider several zoning text amendments concerning fees for reviewing site plans, subdivisions zoning appeals and issuing sign permits, Mr. Rhodes moved and Mr. Neff seconded his motion that the Commission recommend they be added to the Harrisonburg Zoning Ordinance and proposed fee for "comfort letters" be dropped. All members voted in favor..."

Planning Director Sullivan noted that this reports concerns the results of a public hearing that was held last week to establish changes or increases in fees regarding review of site plans, subdivision, zoning appeals and sign permits. Mr. Sullivan called Council's attention to an attachment which shows the proposed fees, and Mr. Sullivan noted that the Planning Commission did not receive a lot of input concerning this at the public hearing. Council Member Heath offered a motion that a public hearing be set for November 12, 1991, to consider these zoning text amendments. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Council Member Heath noted that this is Planning Director Bobby Sullivan's last City Council meeting since he is retiring from the City on October 1, 1991. On behalf of the City Council, Council Member Heath offered a motion that the City Council go on record expressing appreciation to Mr. Sullivan for his long-

time service with the City of Harrisonburg and his fine work on the Planning Commission. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of the Council Members.

✓ City Manager Milam called Council's attention to a map showing the proposed new elementary school and the proposed new access road entering from Port Republic Road to the new school and called on Assistant City Manager Baker for comments. Mr. Baker pointed out Port Road and the site that was deeded to the School Board for the new elementary school on the map. Mr. Baker explained that City staff have talked with property owners in the area and have considered several different alignments for the entrance off of Port Road. Mr. Baker noted that in looking at the different routes, it seems that the best route will be to come in next to the property line of Eagle Carpets. Mr. Baker also noted that, when funds allow, they would like for the road to intersect with Stone Spring Road so as to not end up with another school with only one entrance off of a heavily traveled road. Following further comments, Mr. Baker stated that he would like permission to negotiate with two property owners to run the access road across their property at an estimated cost of a half million dollars. Council Member Kite offered a motion that Assistant City Manager Baker be given authorization to proceed with the plans to construct the access road. The motion was seconded by Vice-Mayor Rhodes and approved with an unanimous vote of Council.

✓ City Manager Milam presented for Council's consideration of a second and final reading an ordinance enacting section 11-1-12 of the Harrisonburg City Code - Fees. Manager Milam noted that the first reading of this ordinance was approved in June, 1991, and that there have been several meetings held between Mr. John Byrd and the Shenandoah Valley Builders Association (SVBA) concerning the increased fees. Mr. Kevin Lee, member of the SVBA, noted that he realizes that some increase is inevitable but would appreciate less of an increase due to the suppressed economy at this time and suggested phasing in the increase. Mr. Jerry Scripture also suggested a phasing in of the increases noting that it is a bad time for the building industry and requested the Council to take this into consideration. Mr. Scripture handed out the SVBA's "proposed acceptable alternative" for Council's consideration. Following further comments, Mr. John Byrd noted that he sees no problem with a graduated fee schedule. Council Member Heath commented that he is sympathetic to the current situation with the building industry and would be in favor of phasing in the fees. Mr. Ben King, member of the SVBA, stated that the City is most heavily taxing the weakest buyer in the housing market and noted that the County's fees are based on square footage. Following further discussion, Council Member Heath offered a motion that the ordinance be approved for a second reading with approximately 50% of the fee schedule going into effect January 1, 1992, and the other 50% going into effect January 1, 1993. The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

✓ City Manager Milam stated that he and the City Attorney met in Richmond this morning and settled on the 21 million dollar bond issue and the net proceeds were turned over to the trustee and the final papers were filed. City Manager Milam requested that the following letter, written by the Department of Corrections, be entered into the minutes of the City Council for permanent record:

September 12, 1991

Mr. William G. O'Brien
County Administrator
Rockingham County
Harrisonburg, VA 22801

Dear Mr. O'Brien:

This is to advise that at its regular meeting on September 11, 1991, the Board of Corrections approved the request for reimbursement for construction costs for the Rockingham/Harrisonburg Regional Jail project in the amount of \$7,381,630 (50% of \$14,763,260), which is the maximum amount allowable under Sections 53.1-81 through 53.1-83, Code of Virginia. This approval is subject to the availability of funds, and in compliance with Sections 53.1-81 and 53.1-83, Code of Virginia.

Sincerely,

J. Michael Howerton
Chief of Operations

Manager Milam explained that this will now be considered by the General Assembly in their next fiscal year for reimbursement in 1993. Manager Milam noted that neither the City or the County can draw down any money without prior approval by the other party.

✓ City Manager Milam stated that in connection with the jail project, the apportioned cost of the connector is scheduled to be received by the Committee Wednesday afternoon. Manager Milam stated, that in connection with the low bid of \$1,444,364, that was received by the City Council in August, there are two approaches the City Council can take this evening as to awarding the contract: the Council can award the contract subject to the necessary work being apportioned properly to the project depending on what the engineers and committee decide; or it can be delayed until the first City Council meeting in October. In

delaying the matter, Manager Milam did emphasize that this is very critical contract because the City promised the Whetzel Seed Co. that they will get started on the project the first week of October and will be out by next March. Manager Milam also stated that the City staff would like to get the bridge construction underway. Following further discussion, Vice-Mayor Rhodes offered a motion that the contract be awarded tentative to a satisfactory agreement being reached at Wednesday's meeting. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ A request was presented by School Superintendent Hiner for approval of a supplemental appropriation in the amount of \$20,000.00 to appropriate additional needed funds for textbooks. Council Member Kite offered a motion for the appropriation to be approved for a first reading, and that:

\$20,000 chgd. to: 2-1899120 Anticipated receipts
Other funds textbook rental

20,000 approp. to: 2-61000-600 - Instruction
Materials and Supplies

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Sanitation Superintendent Holsten for approval of a supplemental appropriation in the amount of \$8,000.00 for storm water building rehabilitation. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$8,000.00 chgd. to: 1900-1901-01-00 Sanitation
Recoveries and Rebates

8,000.00 approp. to: 9-2-97-0-0-7010.00
Building and grounds

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Fire Chief Shifflett for a approval of a supplemental appropriation in the amount of \$92,208.74, for fire programs fund grant, hazardous materials grant and repair of ladder truck. Council Member Heath offered a motion for the appropriation to be approved for a first reading, and that:

\$72,775.02 chgd. to: 01-04-070 Unappropriated fund
balance

12,500.00 chgd. to: 01-2400-2404.03-00 Hazardous
materials

5,933.72 chgd. to: 01-1900-1901.01 Recovery and
Rebates

1,000.00 chgd. to: 01-2400-2404.03-00 Hazardous
Materials

44,509.67 approp. to: 1-2-3201-0-0-7006.01 Fire programs

31,807.35 approp. to: 1-1-3505-2-0-5416.02 hazardous
materials equipment

9,958.00 approp. to: 1-1-3201-2-0-3004.03 Maintenance
and Repair auto equip.

5,933.73 approp. to: 1-2-3201-0-0-7010.00 Buildings
and grounds

The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

In view of the fact that the Virginia Municipal League meeting in Roanoke conflicts with the October 8, 1991, Council meeting; City Council decided to meet only once during the month on October 15, 1991, at 8:00 p.m.

✓ In view of the fact that the avenues taken to resolve the issue of a pig being kept inside the City limits have not seemed to have worked out, Council Member Heath offered a motion that the City ordinance pertaining to the keeping of hogs and hog pens in the City of Harrisonburg not be changed. The motion was seconded by Vice-Mayor Rhodes. Mayor Green noted that the parties were told that the City Council could not change the ordinance, and were asked to try and see if there was some amicable way that the issue could be worked out. Mayor Green stated that as of a result of a meeting between the Wolfes, the Beaches and Judy Miller; a fence was to be built to keep the pig away from the Wolfe's property in addition to some other necessary measures. Mayor Green noted that all three parties agreed to this. Mayor Green further noted that other property owners in the neighborhood stated that they did not have any trouble with the pig. Mayor Green also stated that City staff checked on the sewer lines in the area and found nothing to be wrong with them. It was also pointed out that every thing that was promised to be done was done by the Beaches, but Mr. and Mrs. Wolfe do not feel that it has helped. Council Member Kite stated that he feels that for a total City, the ordinance can not be changed. Mayor Green requested the City

Clerk to write a letter to the Beaches telling them that there is no way the

ordinance can be changed, and that the Council regrets that something could not be worked out.

✓ Council Member Heath questioned if anything can be done about truck traffic on Port Road particularly with it going to be widened. Assistant City Manager Baker stated that this was presented several years ago and nothing can be done about it because State and Federal funds are involved.

✓ Vice-Mayor Rhodes questioned when the hospitalization for retired employees will be put back on the agenda. Mayor Green stated that previously the Council had asked that this be discussed with the School Board because the Council feels it should be broad scoped and cover all the employees who are paid by the citizens tax money.

✓ At 9:25 p.m. Vice-Mayor Rhodes offered a motion that Council enter an executive session for discussion and consultation with the City Attorney concerning probably litigation, exempt from the public meeting requirements pursuant to Section 2.1-344(7) of the Code of Virginia; and for discussion and consideration of a City personnel matter, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

At 10:20 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green stated that City Manager Milam will be retiring from the City of Harrisonburg effective October 1, 1991, but will be available to help during the transition during the following weeks. Vice-Mayor Rhodes moved that the City Council accept Mr. Milam's retirement with deep regret, and appoint Mr. Roger D. Baker acting City Manager; and that Mr. Baker, in accordance with the Community Development office proceed in obtaining a Planning Director in view of Mr. Sullivan's retirement on October 1, 1991. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council. Mr. Milam stated that he has completed 40 years of work with 5 different governments and read the following statement:

My 22 1/2 years as an employee of the City of Harrisonburg has been exciting, eventful and enjoyable. I thank you for allowing me the opportunity of working with you and the citizen's of Harrisonburg. I could never have accomplished the progress and growth with out your assistance and the hard work of many employees of the City.

I shall miss my daily contact with you all. So long for now and may God bless each of you.

At 10:30 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green
MAYOR

REGULAR MEETING

OCTOBER 15, 1991

At a regular meeting of Council held in the Council Chamber this evening at 8:00 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Peterman.

Minutes of the regular meeting held on September 24, 1991, approved as read.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of September, 1991.

From the Police Department - A report of fines and costs collected - \$5,435.80; cash collected from street parking meters - \$6,492.97; total cash collected and paid on accounts and turned over to the City Treasurer - \$11,928.77.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of September, 1991, in the amount of \$202.97.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints rereads, etc. for the month of September, 1991.

✓ Acting City Manager Baker called Council's attention to their copy of the Harrisonburg Electric Commission's financial report ending June 30, 1991, and noted that a copy is available in the Manager's office for public inspection.

✓ Acting City Manager Baker called Council's attention to their copy of the Harrisonburg Department of Social Services' Annual Report for 1990-1991, and noted that a copy is available in the Manager's office for public inspection.

✓ Acting City Manager Baker presented and read a letter from Mr. and Mrs. Jessie E. Sipes, Jr. requesting that Lot4A, Block B, Page 42 of the City Block Map be rezoned from R-2 Residential District to B-2 General Business District. Acting Manager Baker noted that the parcel of land is located immediately northeast of the Harrisonburg-Rockingham Community Services Board property, located at 1241 North Main Street. Council Member Dingledine offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Acting Manager Baker read the following extract taken from minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, September 10, 1991:

Jim Baker presented a letter which he had received from the Virginia Department of Transportation citing their study which suggested that the speed limit on West Market Street from Waterman Drive to the western city limits should be raised to 35 m.p.h. from Waterman Dr. to the Curtis Mathes and to 45 m.p.h. from Curtis Mathes to the western City limits. Noting that the junior high school in this area was set back from the road and that there is a 25 m.p.h. flashing school zone sign for use during school hours, Secretary Tamkin motioned that the commission recommend to Council that the speed limits recommended by VDOT be adopted. The motion was seconded by Julius Ritchie and carried by unanimous vote of the Commission.

Vice-Mayor Rhodes offered a motion that the recommendation of the Transportation Safety Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Acting Manager Baker read the following extract taken from minutes of the Harrisonburg Transportation Safety Commission meeting held on Tuesday, September 10, 1991:

Jim Baker reported the results of a traffic count conducted by the Street Department at the intersection of East Market and Reservoir Streets on Tuesday, May 21, 1991, from 7:00 a.m. to 7:00 p.m. Jim also presented a study made by his student assistant of the State's code of traffic warrants as applied to this intersection. The conclusion of this report was that due to the accident and traffic volumes a traffic signal was warranted at this intersection of East Market and Reservoir Streets as soon as funding is available. Jim Baker seconded the motion and it was carried by unanimous vote of the Commission.

Vice-Mayor Rhodes offered a motion that the recommendation of the Harrisonburg Transportation Safety Commission be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented and read a letter from Patricia H. Doss, Executive Vice President of the Chamber of Commerce asking the City of

Harrisonburg to write a letter to the West Virginia Department of Transportation endorsing the widening of U.S. Highway 33, west. Mr. Baker noted that the request is that U.S. Highway 33 be improved as an access road linking Interstate 81 with the proposed "Corridor H". Following further comments, Council Member Heath offered a motion that the Acting City Manager be given authorization to write a letter in support of the widening of Highway 33 West. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented a petition requesting that a 4-way stop sign be placed at the intersection of Monument Avenue and Valley Street at the entrance to Purcell Park. Mr. John Crittenden, of 55 Monument Ave. stated that this issue has been going on for some time and he feels that it is time the City did something about the problem. Ms. Judy Miller explained that when this request was first presented, a stop sign was placed on Valley Street rather than on Monument where it was needed. Ms. Miller also noted that since Kids Castle was built the traffic in the area has greatly increased; and with the widening of Port Road, there will be more traffic coming through the neighborhood. Ms. Miller also noted that the visibility around the pole is poor and if something is not done there is going to be a terrible accident. Council Member Kite stated that shrubbery is causing some of the problem with visibility. Mr. Stanley Wampler, 205 Monument Ave. noted that the majority of the people driving through the neighborhood exceed the speed limit, and suggested that no through traffic signs be placed on Monument along with a 4-way stop sign. Following further comments, Mayor Green requested that the Police Chief, Jim Baker and Roger Baker meet to come up with ideas that would be helpful and present them at the November 12, 1991, City Council meeting.

✓ Acting City Manager Baker presented a request from the Association for Retarded Citizens to be exempt from the payment of all local and state taxes on a permanent basis, along with a request from Mr. Jay Litten, on behalf of Emmanuel Episcopal Church and Mercy House to be exempt from local real estate taxation. Mr. Litten stated that both of his clients are currently paying real estate taxes and wish to stop. Mr. Litten explained that the General Assembly has already exempted certain classes including: property owned by churches and property owned by religious organizations similar to the YMCA. Mr. Litten stated that it is his legal opinion that both of his clients are already exempt, but the City's Commissioner of Revenue does not recognize the exemption. Mr. Litten stated that he would like to request the City Council to take the first step in bringing this matter to the attention of the General Assembly by adopting a resolution stating whether or not the City feels these properties should be exempt. Prior to approving a resolution, Mr. Litten explained that a public hearing has to be held. Following further comments, Council Member Heath offered a motion that a public hearing be scheduled for November 26, 1991, to hear these requests. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented a proposal from the Soil Conservation Service seeking an endorsement from the City of the North River Watershed Water Quality Initiative. Mr. Baker explained that this is a study that will be performed by the Soil Conservation Service, funded by the Federal government, to better identify, quantify and evaluate the water quality problems in the North River watershed. Mr. Baker stated that this endorsement would not require any financial commitment on behalf of the City, because it will be funded in its entirety by the U.S. Department of Agriculture. Following further comments, Council Member Heath offered a motion that Mr. Baker be authorized to sign the agreement endorsing the program. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 11-2-42, re-inspections, of the Harrisonburg City Code. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second reading. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting section 11-3-82(c) retesting, of the Harrisonburg City Code. Council Member Dingleline offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Vice Mayor Rhodes moved that a supplemental appropriation in the amount of \$20,000.00, requested by School Superintendent Hiner to appropriate additional needed funds for textbooks, be approved for a second and final reading, a first reading having been approved on September 24, 1991, and that:

\$20,000 chgd. to: 2-1899120 Anticipated receipts
Other funds textbook rental

20,000 approp. to: 2-61000-600 - Instruction
Materials and Supplies

The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ Council Member Heath moved that a supplemental appropriation in the amount of \$92,208.74, requested by Fire Chief Shifflett, for fire programs fund grant, hazardous materials grant and for repair of a ladder truck, be approved for a second and final reading, a first reading having been approved on September 24, 1991, and that:

\$72,775.02 chgd. to: 01-04-070 Unappropriated fund
balance
12,500.00 chgd. to: 01-2400-2404.03-00 Hazardous
materials
5,933.72 chgd. to: 01-1900-1901.01 Recovery and
Rebates
1,000.00 chgd. to: 01-2400-2404.03-00 Hazardous
Materials

44,509.67 approp. to: 1-2-3201-0-0-7006.01 Fire programs
31,807.35 approp. to: 1-1-3505-2-0-5416.02 hazardous
materials equipment
9,958.00 approp. to: 1-1-3201-2-0-3004.03 Maintenance
and Repair auto equip.
5,933.73 approp. to: 1-2-3201-0-0-7010.00 Buildings
and grounds

The motion was seconded by Vice Mayor Rhodes and approved with a unanimous recorded vote of Council.

✓ Council Member Kite moved that a supplemental appropriation in the amount of \$8,000, requested by Sanitation Superintendent Holsten for storm water rehabilitation, be approved for a second and final reading, a first reading having been approved on September 24, 1991, and that:

\$8,000 chgd. to: 1900-1901-01-00 Sanitation -
Recoveries and Rebates

8,000 approp. to: 9-2-97-0-0-7010.00 Building
and Grounds

The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

✓ A request was presented by City Manager Milam for approval of a supplemental appropriation in the amount of \$600,000 to replace S. Liberty St. and W. Market St. bridges; for the rebuilding of Liberty St. from Elizabeth St. to Water St. and W. Market from R.R. to Court Square and for a portion of the connector for the judicial complex. Council Member Heath offered a motion for the appropriation to be approved for a first reading, and that:

\$600,000 chgd. to: General unappropriated fund balance

600,000 approp. to: 1-1-3302-2-0-5418.02 - City Council
Jail

The motion was seconded by Vice Mayor Rhodes and approved with a unanimous recorded vote of Council.

✓ Council Member Kite made the following suggestions and recommendations: 1. Mr. Kite noted that when he was first on the Council he requested that a list of old business be prepared so it could be acted upon. Mr. Kite stated that the list was prepared but has never been acted upon; and suggested that old business be included on the Council's agenda; 2. In reference to the jail committee, Mr. Kite noted that the City is not equal with the County in number of representatives on the committee, noting that he feels the City Council should have another rep. on the Jail Committee and suggested Mr. Bob Heath; 3. Mr. Kite stated that he feels there should be some contact between the Council Members and the Manager's office between Council meetings. Mr. Kite requested that, before any agenda is prepared, the Manager contact each Council member for discussion and input to agenda. Council Member Heath disagreed and stated that he feels it is the Council Members' responsibility to contact the Manager's office prior to a meeting if they have an item for the Council's agenda. Mr. Heath did note it would be helpful if the Council received notices of other meeting they may be interested in; 4. Mr. Kite stated that he feels a search committee, or sub-committee needs to be set up so the City can officially take applications for the City Manager's position. Vice-Mayor Rhodes and Council Member Heath noted that they feel the entire City Council should screen the applications. Council Member Dingledine stated that she felt the committee should possibly consist of persons not on the Council. 5. Mr. Kite stated that the City needs to let the retired employees know where they stand concerning the health insurance for retired employees; 6. Mr. Kite does not feel the Police Chief's position or the Planning Director's position should be filled until after a permanent City Manager is hired and 7. Mr. Kite stated that he would like to see an elected official from the City and a JMU official meet six or so times a year to share information, problems, etc.

✓ Acting City Manager Baker explained that in 1985 the City Council adopted an ordinance establishing and setting up a deferred compensation plan for the City.

Mr. Baker noted that at the time it was set up, there was not a requirement that a separate fund be set up for the plan. Mr. Baker explained that in 1986 Congress changed the law where all the deferred compensation funds have to be reported in the audit. Mr. Baker stated that now the City Council needs to set up a deferred compensation fund retroactive to June 30, 1991. Mr. Baker stated that the City Attorney feels the ordinance needs to be amended and requests that Council approve the amended ordinance for a first reading this evening. Council Member Heath offered a motion that the ordinance be approved, in concept, for a first reading. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker requested the Council to give the Mayor authorization to sign the deeds for the lots on Bruce Street that were transferred from the School Board to the City, and then transferred from the City to the Redevelopment and Housing Authority. Council Member Dingleline offered a motion that the Mayor be given authorization to sign the deeds. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ At 9:08 p.m., Council Member Heath offered a motion that Council enter an executive session for discussion and consideration of the prospective candidates to be appointed to the : Board of Public Welfare; Upper Valley Regional Park Authority; ASAP Commission; Harrisonburg Parking Authority; Building Code Board of Appeals; Harrisonburg Redevelopment and Housing Authority; Parks & Recreation Commission; Harrisonburg Electric Commission and alternates for the Harrisonburg/Rockingham Regional Sewer Authority. exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ At 10:00 p.m, the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Council Member Heath questioned when the public hearing would be scheduled for the Comprehensive Plan. Following discussion, it was agreed that the date for the public hearing would be scheduled for the November 12, 1991, City Council meeting.

✓ Vice-Mayor Rhodes offered a motion that Council Member Heath be appointed to serve on the Jail Liaison Committee. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Upper Valley Regional Park Authority in view of the fact that Mr. Cecil F. Gilkerson's 1st term expired on September 30, 1991. Council Member Dingleline offered a motion that Mr. Gilkerson be appointed to a second term of four years on the Upper Valley Regional Park Authority. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Harrisonburg Parking Authority in view of the fact that the unexpired term that Ms. Betty Jolly's was filling in for expires on November 28, 1991. Vice-Mayor Rhodes offered a motion that Ms. Betty Jolly be appointed to a first term of five years, expiring on November 28, 1996, to the Harrisonburg Parking Authority. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council Member Heath offered a motion that Mr. Elon Rhodes be designated as the alternate for Mr. Warren L. Braun and Mr. John R. Gordon; and that Mr. Marvin B. Milam be designated as the alternate for Mr. John Driver and Mr. Roger Baker on the Harrisonburg Rockingham Regional Sewer Authority. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council Member Heath offered a motion that while Mr. Roger D. Baker is serving as the Acting City Manager that he be moved from Grade 39, Step C to Grade 44, Step C as recommended by Yarger and Associates and the former City Manager, Marvin B. Milam. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

At 10:15 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Rhodes
MAYOR

REGULAR MEETING

NOVEMBER 12, 1991

At a regular meeting of Council held in the Council Chamber this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Duane Fairweather. Absent: City Auditor Philip Peterman.

Minutes of the regular meeting held on October 15, 1991, approved as read.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of October, 1991.

From the Police Department - A report of fines and costs collected - \$5,309.75; cash collected from street parking meters - \$6,496.19; total cash collected and paid on accounts - \$11,805.94.

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of October, 1991, in the amount of \$816.09.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints rereads, etc. for the month of October, 1991.

✓ For Council's information, Acting Manager Baker, presented and read the abstract of votes cast in the City on November 5, 1991, for the offices of Senate for the 26th district, Member House of Delegates, Clerk of the Court, Commonwealth's Attorney, Sheriff and Soil and Water Conservation Director.

✓ Acting Manager Baker called Council's attention to their copies of the Shenandoah Valley Regional Airport Commission Annual Audit Report for Fiscal Year July 1, 1990, through June 30, 1991, and noted that copies are available in the Manager's Office for public inspection.

✓ At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting City Manager Baker read the following notice as it appeared in the Daily News Record on October 29, 1991 and November 5, 1991:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 12, 1991, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider these rezoning requests:

1. To rezone the VFW Rion-Bowman Post 632 property located at 450 Waterman Drive from M-1 Industrial to B-2 General Business.
2. To rezone Longview Oaks apartments from R-2, Residential to R-4 Planned Unit Residential, located on Vine Street north of East Washington Street, SB&F Company is applicant.

If these requests are granted, the present uses will conform to the zoning district applied for. Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

Roger D. Baker
Acting City Manager
City of Harrisonburg

Following comments from Acting Manager Baker, Mayor Green asked if there was anyone present desiring to speak either for or against the request to rezone the VFW Rion-Bowman Post 632 property located at 450 Waterman Drive. There being no one present desiring to be heard, the public hearing was declared closed at 7:45 p.m. and the regular session reconvened. Council Member Heath offered a motion that the rezoning request be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Mayor Green called on anyone present desiring to speak either for or against the request to rezone Longview Oaks apartments from R-2 Residential to R-4 Planned Unit Residential, located on Vine Street north of East Washington Street. Mr. Kevin Leigh, stated that they are requesting the R-4 zoning to bring the R-2 portion into conformity, which would allow them to rebuild in case of fire damage. Mr. Leigh noted that if they did ever have to rebuild, the density would not increase. There being no others present desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened.

Council Member Dingleline offered a motion that this rezoning request be approved. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ At 7:48 p.m., Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. Acting Manager Baker read the following notice as it appeared in the daily new record on November 4, 1991:

The Harrisonburg City Council will hold a public hearing on Tuesday, November 12, 1991, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider amending its budget in the amount of \$600,000.00 to be appropriated for infrastructure and street improvements on South Liberty Street from Elizabeth Street to Water Street and on West Market Street from the railroad to Court Square. The proposed budget amendment may be reviewed in the office of the City Manager, 345 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

Acting Manager Baker noted that the State amended the State Code to where it requires Cities to hold public hearings for any appropriations over \$500,000, and consider it a budget amendment. Mayor Green called on anyone present desiring to speak either for or against the budget amendment. There being no one present desiring to be heard the public hearing was declared closed at 7:50 p.m., and the regular session reconvened.

✓ Council Member Heath moved that the supplemental appropriation in the amount of \$600,000 requested by City Manager Milam to replace S. Liberty St. and W. Market St. bridges; for the rebuilding of Liberty St. from Elizabeth St. to Water St. and W. Market from R.R. to Court Square and for a portion of the connector for the judicial complex, be approved for a second and final reading, a first reading having been approved on October 15, 1991, and that:

\$600,000 chdg. to: General unappropriated fund balance

600,000 approp. to: 1-1-3302-2-0-5418.02 - City County Jail

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ At 7:51 p.m., Mayor Green closed the regular session temporarily and called the evening's third public hearing to order. Acting Manager Baker read the following notice as it appeared in the Daily News Record on October 29, 1991, and November 5, 1991:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 12, 1991, in the City Council Chambers, 345 South Main Street to consider these zoning text amendments concerning fees:

Sec. 10-2-23	(14)	fee for filing preliminary plats
Sec. 10-2-25	(13)	fee for filing final plats
Sec. 10-3-9		fee to issue a comfort letter
Sec. 10-3-16	(d)	fees for site plan reviews
Sec. 10-3-60	(6)	re-inspection fees for manufactured homes
Sec. 10-3-68	(6)	re-inspection fees for manufactured homes
Sec. 10-3-94	(2)(w)	fees for sign permits
Sec. 10-3-119	(c)(1)&(2)	filing fees appealing to the Board of Zoning Appeals for variances

Further details concerning these proposed amendments are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m., to 5:00 p.m.

All person interested will have an opportunity to express their views at this Public Hearing.

Roger D. Baker
Acting City Manager
City of Harrisonburg

Mayor Green called on anyone present desiring to speak either for or against the zoning text amendments. Mr. J. R. Copper, stated that he is not opposed to the fees and feels it is an equitable way to pay for review of plan and plats. Mr. Copper stated that he is opposed to all the fees becoming effective at one time. Mr. Copper reviewed with the Council the existing and proposed fees, pointing out that some of the increases are as much as 1200%. Mr. Copper stated again that he does not feel the fees are out of line, but requests that the increases be spread over three or four years. Mr. Copper also noted that he would like to see a set of standards for water and sewer. Mayor Green called on anyone else present desiring to be heard. There being no one else present desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session

reconvened. Acting Manager Baker noted that the fees came about as a result of an Ad Hoc committee that was formed a couple of years ago. Following discussion, Council Member Heath offered a motion that the fees be phased in over a two year period, with one half becoming effective January 1992, and the other half effective January 1993. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on October 16, 1991:

"...Dr. Gardner concluded a lengthy discussion concerning Edsel and Frances Edwards and Heifer Investments to rezone 2.6 acres on Willow Hill Drive from R-2 Residential to R-3 Multiple Dwelling District, my moving that the Commission recommend lot 1 of the parcels to be rezoned to R-3 conditional and lot 2 remain as R-2 Residential. Mr. Neff seconded the motion and all members voted in favor...:

Following comments from Acting Planning Director Gary Cook, Vice Mayor Rhodes offered a motion that a public hearing be scheduled for December 17, 1991, to hear this rezoning request. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Concerning the request for a 4-way stop sign at the intersection of Monument Avenue and Valley Street, Acting Manager Baker stated that following a meeting between Ms. Lakey Logan, Captain Fairweather, Vice-Mayor Rhodes and himself the following actions have been taken or have been recommended to be taken to correct the problem:

1. Trees have been trimmed on the park adjacent to Monument Ave. to improve site distance.
2. Paint yellow 4" wide line on center line of Monument Ave. from S. Main St. to Butler Street.
3. Paint hi-visible crosswalk across Monument Ave. at Valley Street
4. Contact home owner at intersection of Monument Ave. and Crawford Ave. concerning trimming of shrubbery, which are blocking site distance.
5. Increase speed patrols by police department

Ms. Mary Crittenden stated that she appreciates all that has been done to eliminate the problem but noted that people are still speeding through this neighborhood because the 15 MPH sign was not placed right off of Main Street. Following further comments, Mayor Green requested that this area continue to be monitored.

✓ Acting City Manager Baker presented and reviewed the recommendation from the Committee for the health insurance benefits for retired employees. Council Member Heath explained that certain caps were put on the plan so the plan would not be a financial burden to the City. Following further discussion and questions addressed from several city employees, Council offered a motion that the plan be adopted for the City of Harrisonburg. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of the Council.

✓ Acting Manager Baker presented for Council's consideration of a second and final reading an ordinance enacting Section 7.4 of the Deferred Compensation Plan Ordinance for the City of Harrisonburg. Council Member Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

Acting City Manager Baker presented for Council's consideration three requests from the Commissioner of Revenue, and noted that all of these would require an ordinance amendment. Acting Manager Baker noted that first request is for tax relief for the elderly to adjust the City's rates to keep them in line with what the County has. Acting Manager Baker noted the second request is that Poultry Processors be taxed as processors and not wholesalers. Manager Baker explained that the Commissioner of Revenue is suggesting that the one cent of additional gross receipts over \$5,000.00, be increased to three cents. The third request, Manager Baker noted is a request concerning the filing of personal property taxes, with a request that the ordinance be amended to coincide with the State's code. Following discussion, Council Member Heath requested that the Council be provided with information comparing the taxes paid by wholesalers versus processors. Following further discussion, Council Member Heath offered a motion that the three requests be approved for first readings, with instruction for the City Attorney to prepare the necessary ordinances. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

Acting City Manager Baker called Council's attention to a letter from Rockingham Memorial Hospital stating that the hospital is now in a position to begin construction on an overhead connector between the main Hospital and the RMH Outpatient Center/RMH Regional Cancer Center. Mr. Baker noted that the letter is requesting the City to grant "air rights" to the Hospital since the structure will span South Mason Street. Acting Manager Baker further noted that the letter is requesting the City to temporarily close South Mason Street for approximately 4 1/2 months during the major construction time. Mr. Larry Jolly, Senior Vice President of RMH, showed an artist's rendering of the structure and noted that

the hospital is willing to work with the City and its staff. Mr. Jolly also stated that they will try to reduce the time South Mason Street will have to be closed. Following further comments, Council Member Dingleline offered a motion that the "air rights" be granted and grant permission for South Mason Street to be closed during the time of construction. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented for Council's consideration a request for award for the construction contracts for the South Main Interceptor - Phase II and Erickson Avenue Waterline. Acting Manager Baker explained that the bids for the Phase II of the South Main Interceptor and the Erickson Avenue Waterline have been received; and F. L. Showalter is the apparent low bidder. Acting Manager Baker noted that their bid of \$233,780.00 is an excellent bid and Wiley and Wilson is recommending that they be awarded the contract. Mr. Mike Collins explained that this project that is just another step in upgrading the infrastructure. Following a review by Mr. Collins of the projects already in place and a detailed review of the project up for approval, Council Member Heath offered a motion that the contract be awarded to F. L. Showalter. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ For Council's information, Acting Manager Baker stated that in accordance with Section 13-1-13 of the Harrisonburg City Code, the Police Department has issued a permit for the Downtown Retail Merchants to use Main Street for the 50th Anniversary Christmas Parade on Friday, December 6, 1991.

✓ Acting City Manager Baker presented and read a letter from City Treasurer, Beverly Miller, requesting Council's permission to advertise as unpaid the delinquent real estate for the years 1989 and 1990 as required under Section 4-1-29 of the City Code. Council Member Heath offered a motion that the City Treasurer be granted permission to advertise the delinquent real estate as requested. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented and read a letter from City Treasurer, Beverly Miller, requesting permission to charge off delinquent business licenses. Acting Manager Baker noted that all the businesses have either gone out of business, filed for bankruptcy or all methods of collection have failed. Council Member Dingleline offered a motion that the City Treasurer be given permission to charge off the delinquent business licenses. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Sonja Bible, Director of Social Services for approval of a supplemental appropriation in the amount of \$17,998.00, for the expansion and improvement of child care services for income eligible families in need of child care services. Council Member Heath offered a motion for the appropriation to be approved for a first reading, and that:

\$17,998.00 chdg. to: VPA-5-5-1900-1901.01.1
Estimated Revenue - Recoveries
and Rebates

\$17,998.00 approp. to: VPA - 5-5-1-5309-0-0-5714.07 Child
Care fee Block Grant

The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Following discussion, a public hearing was scheduled for January 28, 1992, to hear citizens views concerning the Comprehensive Plan.

✓ Vice-Mayor Rhodes offered a motion that only one City Council meeting be held during the month of December on December 17, 1991. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Acting Manager Baker noted that the facility plan for the Harrisonburg-Rockingham Regional Sewer Authority North River Wastewater Treatment Facility and Proposed Cost Sharing/Flow Allocation recommendation will be discussed at the November 26, 1991, City Council.

✓ Vice-Mayor Rhodes noted that the Redevelopment and Housing Authority purchased a house at the corner of Broad Street and Rock Street to enable the city to widen Rock Street from the Fire Station to the corner of Broad Street. Mr. Rhodes explained that he checked with the Street Superintendent concerning this and was told that is on the Street Department's schedule, but funds have not been appropriated for this project. Mr. Rhodes requested that this be added to the old business.

✓ Acting Manager Baker noted that there will be a Shenandoah Valley Bicycle festival the last two weekends in July, held in coordination with the Fun Fest at Hillandale Park in an effort to attract people to the area. Mr. Baker noted that this will not require any action of Council and no streets will have to be closed.

✓ Council Member Kite stated that he would like City staff to make a study for the Council of all the schools and all the school crossing and whether there are

guards at the crossing, the speed limit and whether or not there are traffic lights at the crossing. In giving an example, Mr. Kite noted that on East Market Street the speed limit is 15 MPH with a crossing guard and at the McDonalds on Carlton Street the speed limit is 25 MPH and there is only a student patrolling the crossing of the street. Mr. Kite noted that he feels that maybe this issue needs an update. It was suggested that this be referred to the Transportation Safety Committee.

✓ Mr. Kite stated that he feels there should be some way to issue parking permits so the permit is only good for the street where the permit is issued on, to eliminate persons from parking on any street in town just because they have a parking permit. Council Member Heath noted that this was investigated several years by the Planning Commission, Police Department and a special committee that was formed to study the issue. Following further comments, Mayor Green requested that the Police Department investigate the previous study done on this.

✓ Mr. Kite also requested an update on the applications for City Manager. Acting Manager Baker noted that he is awaiting a response from all the Council Members concerning which ad they feels is the best to use.

✓ Vice-Mayor Rhodes noted that there has been an increase in the number of groups or individuals soliciting for money in the City, and questioned if the City should require some type of I.D. tag etc. so citizens would know whether these persons are legitimate or not. Mayor Green noted that the Chamber of Commerce did this at one time and suggested that the Police Department work in coordination with the Chamber of Commerce on this concern.

At 9:25 p.m., Council Member Heath offered a motion that Council enter an Executive Session for discussion and consideration of (a) the acquisition or use of real property for public purposes, specifically a possible water supply project by the City of Harrisonburg, and (b) to consult with legal counsel regarding legal issues involving the proposed water supply project and involving a water study proposed by the Harrisonburg/Rockingham Regional Sewer Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) and (A)(7) of the Code of Virginia. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

At 11:05 p.m, the executive session was closed and the regular session reconvened. City Attorney Thumma read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 11:06 p.m, there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Stacie F. Green
MAYOR

REGULAR MEETING

NOVEMBER 26, 1991

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger Baker, City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Peterman.

Minutes of the regular meeting held on November 12, 1991, approved as read.

The City Manager's monthly progress report for the month of October 1991, was presented and ordered filed.

✓ Acting City Manager Baker called Council's attention to their copies of the City Audit Report for the year ending June 30, 1991. Mr. Ken Huffman, from Phibbs, Burkholder, Geisert and Huffman, called Council's attention to the letter of comments and read the following paragraph from the letter:

Generally accepted accounting principals require that capital outlays be recorded as assets in all funds. The State Auditor of Public Accounts does not at this time require that capital expenditures in the general governmental funds be recorded as assets. However, the capital expenditure in the enterprise funds are required to be recorded as assets. The City does not record capital assets in the governmental funds and only a partial listing of assets are recorded in the enterprise funds. The omission of the recording of fixed assets results in the city receiving a qualified opinion on its financial statements from its independent CPA. This, of course, prohibits the city from receiving a certificate of achievement for excellence in financial reporting. These items can also have an adverse affect on the City's bond ratings. We strongly recommend that the City record all capital assets in both the governmental and enterprise funds. This would initially require determining and recording the historical cost of all assets owned by the City and an annual updating, or perpetual record thereafter. Having an accurate and up-to-date listing of fixed assets would also assist the city in safeguarding its fixed assets and provide for a method of control.

Mr. Huffman noted that the city has received a qualified opinion for the past twenty years because they do not record fixed assets, further noting that he does not think it is in the City's best interest to continue receiving a qualified opinion. Mr. Huffman explained that recording the fixed assets will allow the city: to provide for the stewardship of assets acquired with public funds as the city's obligation to the tax payers, to assure the highest possible future bond rating for the city, to meet the criteria necessary to obtain a certificate of excellence from the governmental financial officers association, to eliminate the qualified opinion, to provide for the financial statements to be prepared in accordance with generally accepted accounting principals, to assure that all assets are adequately insured, to facilitate the annual budgeting for capital outlay, to facilitate depreciation accounting in the enterprise funds and to comply with the provisions of certain federal grants, etc. Mr. Huffman stated that, in his opinion, a study of this type should be spread over a two year period because of the extensive amount of work that is involved in this type of inventory. Following further comments from Mr. Huffman and comments from Mr. Lester Seal, Mayor Green requested Acting Manager Baker and Mr. Lester Seal to prepare a sample RFP to solicit firms to perform a fixed assets inventory and present it to Council at the December meeting. Acting City Manager Baker noted that copies of the City Audit are available in the Manager's office for public inspection.

✓ At 7:48 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice as it appeared in the Daily News Record in the Daily News Record on November 19, 1991:

Please take notice that on November 26, 1991, at 7:30 p.m. in the City Council Chamber, 345 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing concerning three requests for exemptions from local real and personal property taxation for religious and/or charitable organizations. The first request is from the Diocesan Missionary Society of Virginia and Emmanuel Episcopal Church, which owns and operates the Episcopal Campus Center at 995 South Main Street. The second request is from Mercy House, Inc., which owns and operates a temporary shelter for homeless people at 247 North High Street. The third request is from the Association for Retarded Citizens-Harrisonburg/Rockingham, which operates a work activity center. Public comment on the proposed exemption--which would be granted by the Virginia General Assembly--are invited. Further information is available from the City Manager's Office at 345 South main Street, Harrisonburg, Virginia between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

Mayor Green called on anyone present desiring to speak either for or against these requests. Mr. Jay Litten, speaking on behalf of Emmanuel Episcopal Church and Mercy House, noted that he is asking the City Council to take the first step toward the issuance of a tax exemption by the General Assemble for Mercy House and Emmanuel Episcopal Church. Mr. Litten, noted that he believes that both organization are already exempt. Mr. Hatmaker, speaking on behalf of the Association for Retarded citizens (ARC), stated that he is also present to request Council to adopt a resolution supporting a tax exempt status for the Association for Retarded Citizens (ARC). Mr. Hatmaker noted that ARC is a voluntary, non-profit organization that assists retarded citizens of all ages. Mayor Green called on anyone else desiring to speak either for or against these requests. There being no others desiring to be heard, the public hearing was declared closed at 8:01, and the regular session reconvened. Vice-Mayor Rhodes offered a motion that the City Council authorize the Mayor to sign the resolution for Mercy House, Emmanuel Episcopal Church and the Association for Retarded Citizens. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ At 8:02 p.m., Mayor Green called the second public hearing to order and Acting Manager Baker read the following notice as it appeared in the Daily News Record on Saturday, November 16th and 23rd, 1991:

The Harrisonburg City Council will hold a public hearing on Tuesday, November 26, 1991, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South main Street, Harrisonburg, Virginia, to consider the following application to vacate an undeveloped ten foot (10') alley between South Federal Street and Layman Avenue, in the City of Harrisonburg:

A request of A. Mark Nissley to vacate an undeveloped ten foot (10') alley, that lies between South Federal Street and Layman Avenue in the southeast portion of the City of Harrisonburg and runs through the property owned by Nissley, Kelly, Button and Vanderwalker.

Copies of the recommendations of the City Planning Commission and the Harrisonburg Board of Viewers, along with a copy of a plat showing the undeveloped alley to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG
Roger D. Baker
Acting City Manager

Mayor Green called on anyone present desiring to speak either for or against the alley closing request. Mr. A. Mark Nissley, questioned how the price of the alley was determined and noted that the City Code states that the price shall be computed based on the assessed value as shown on the City books provided further that the parties agree as to the value. Mr. Nissley explained that the normal process of prorating the properties would result in him paying a price per square foot for the alley greater than properties fronting on Gratten Street. Mr. Nissley noted that his request to Council, is to have the procedure modified in this case because the properties fronting on Gratten Street are obviously worth more than the alley. Following comments from Acting Manager Baker, City Attorney Thumma explained that the City Code is mandatory and states shall be computed, which means the value placed on the alley has to be what has been set and can not be changed without an ordinance change. There being no others desiring to be heard the public hearing was declared closed at 8:15 p.m. and the regular session reconvened. Council Member Heath offered a motion that the request to close the alley be approved for a first reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ City Council received the following extract from the City Planning Commission meeting held on November 20, 1991:

"... The Zoning Administrator described with a Final Plat and Block Map a 3 acre lot located at Mt. Clinton Pike and North Liberty Street. Mr. Cook stated that this lot will need to have a sewer easement down to the sewer that is located in the Blacks Run area. Mr. Knicely, representing Mr. Shickel, assured the Commission that there was sewer in front of the property. Mr. Rhodes made a motion to approve. Mr. Wassum seconded the motion and the motion carried..."

Following comments from Zoning Administrator Cook, Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission to approve the subdivision of the 3 acre lot located at Mt. Clinton Pike and North Liberty Street. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

City Council received the following extract from the City Planning Commission meeting held on November 20, 1991:

"...The Zoning Administrator described with a Final Plat the location, acreage and easements of the proposed subdivision. Mr. Cook stated that the staff has reviewed the construction drawings and approved them on October 9, 1991. Dr. Gardner made a motion to approve. Mr. Rhodes seconded the motion. The motion carried..."

Following comments from Zoning Administrator Gary Cook, Council Member Heath offered a motion that the recommendation of the Planning Commission to approve Acorn Industrial Park, Section 3, Final Plat, located at Acorn Drive be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Prior to giving a report on the City of Harrisonburg's raw water study, Acting Manager Baker gave a history of events beginning in 1971 when the present water treatment plant was built and put on line at a capacity of 5 million gallons per day leading up to January 1991 with the completion of a 24 inch raw water line that runs from Silver Lake to Rt. 701 and ties into the existing line. Acting Manager Baker noted that in March 1991, the trial operation of the water treatment plant with 10 MGD was completed and data was submitted to the Va. Department of Health. In August 1991, Mr. Baker stated that the raw water engineering study of the western sources was completed. In September 1991, Mr. Baker explained that the Va. Department of Health set the conditions for issuing an 18 month permit for the operation at 10 MGD pending a raw water source supply. Mr. Baker stated that the city is continuing the process of completing the implementation of phase I, which is recommending the western raw water study. Mr. Baker stated that phase II, the development of these sources, is in the planning stages and what he hopes to get favorable action on from Council this evening. Mr. Baker explained the city needs to look at additional capacity because of the growth rate that the city is now experiencing. Mr. Baker called Council's attention to a map showing the sources the City presently has and reviewed the amounts of water the City presently receives from these sources. Mr. Baker explained that the City is planning to continue with the withdraws from the North River and continue to maintain the 7.6 MGD. Mr. Baker noted that to firmly establish this, we need to provide the Va. Department of Health with a plan to provide backup for our emergency pumps which would involve purchasing an additional pump. Mr. Baker stated that phase II calls for the construction of a line from the Switzer reservoir to Rawley Springs and phase III calls for the line to be constructed from Rawley Springs to the Water Treatment Plant to allow the City to realize the added capacity. Mr. Baker explained that these are the recommendations from the engineer. Mr. Baker stated that he would also like to recommend to City Council that the City accept and approve the report of the engineers and for him to be authorized to engage the engineers to continue with the study and the securing of permits to allow the phases to continue. Mr. Baker further stated that in addition to the engineers' recommendations, he would like to consider building an additional water treatment plant somewhere in the general area of Rawley Springs or Switzer Reservoir upstream. Mr. Baker explained that he is recommending this because the 10 inch water line that presently is used to serve treated water back in that direction is over 100 years old; is constantly causing problems, and is not large enough to handle the amount of water that is needed in that area. Mr. Baker stated that if a plant is built in this area and the line run directly into the City, the water would already be treated and pumping costs would be avoided. Mr. Baker further added that a plant in this vicinity would give the capacity of more water from the Switzer Reservoir, Rawley springs area, which is cleaner and much better quality than the water from North River. Mr. Baker noted that it costs about 22 dollars per million gallons to treat the water from Rawley Springs area compared to a cost of approximately 48 dollars per million to treat water from the North River. Mike Collins, Water and Sewer Superintendent, stated that a new treatment plant would pay for itself in 30 years, just in cost savings from operations, even if the city did not receive one penny of additional revenue from it. Following further comments from Mr. Collins and questions from the Council Members, Council Member Heath offered a motion that the City accept and approve the City of Harrisonburg's Raw Water Study Western Sources dated August 23, 1991, from Wiley and Wilson, and to authorize the Acting City Manager to proceed with the implementation of phase I, along with the other recommendations of the report and authorize the Acting Manager to bring engineers in to further study the development of a water treatment system in the Rawley Springs area.

✓ Acting Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting section 4-2-23, requirements enumerated, and an ordinance amending and re-enacting section 4-2-25, schedule of amounts, of the City Code. Vice-Mayor Rhodes offered a motion that the ordinances be approved for a second and final reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting section 4-1-12, Same-penalty for failure to make return or failure to exhibit property. Council Member Kite offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented for Council's consideration of a second and final reading the following ordinances concerning zoning text amendments: Sections 10-3-16(d), 10-2-23(14), 10-2-25(13), 10-3-60(6), 10-3-68(6), 10-3-94(2)(w) and 10-3-119(c)(1) & (2). Vice-Mayor Rhodes offered a motion that the

ordinances be approved for second and final readings. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker explained that the City Attorney is waiting for a description from the architects concerning the granting of airspace to RMH so no action will be taken this evening.

✓ Acting Manager Baker introduced the members of the Harrisonburg Rockingham Regional Sewer Authority and called on Mr. Curtis Poe, Executive Director of the Authority to present the facility plan for the Regional Sewer Authority's north river waste water treatment facility and proposed cost sharing flow allocation recommendations. Mr. Poe explained that a facility plan for the HRRSA was prepared by Dewberry and Davis and noted the two principal issues studied in the plan dealt with quality and quantity. Mr. Poe further noted that the plan consists of three parts which are: flow projections, plant expansion and expansion beyond 16 MGD. Mr. Poe called Council's attention to exhibit B of the handout and noted that the authority's flow projections for the City match up very closely with the two percent growth rate curve that was shown on the City's water study. Mr. Poe reviewed the two methods used to project the flows to the year 2020. Mr. Poe explained that part two, plant expansion, provides a system evaluation and an estimate of the cost of expanding the plant to meet the projected needs and a schedule for implementing that plan which he noted are outlined in exhibit C. Mr. Poe explained that the evaluation of the existing systems showed them that they could increase the size of the facility from 8 MGD to 12 to 14 MGD by tertiary filtration alone. In order to go to 16 MGD, a supplemental water supply would have to be provided or they will have to go to a very expensive treatment process. Mr. Poe noted that the third part is an addendum, requested by Acting Manager Baker, concerning the possibility of expanding beyond the 16 MGD at the existing site. It was found that with tertiary filtration and the supplemental water supplies, the facility could expand up to 24 MGD. Mr. Poe explained that cost sharing recommendations and capacity allocations have been put together and presented to all jurisdiction for their comments. Mr. Poe explained that the total project cost is \$15,625,000 with \$2,125,900 for treatment plant improvements and \$13,499,100 for treatment plant expansion. Mr. Poe went on to explain how these costs were divided among the jurisdictions, noting that the City of Harrisonburg's share is \$11,528,720.99. Mr. Poe stated that he has proposed for the entire project to be paid for by a revenue bond with the initial fees, such as legal and design fees, being paid for by each jurisdiction as they are incurred over the next 12 months; and then following the bidding of the project, they will seek the revenue bond to finance the project. Mr. Poe called Council's attention to exhibit E, which shows how the current costs relate to other similar size facilities. Mr. Poe explained that if the project is financed with a revenue bond, and the debt service is spread over a twenty year period, it would represent an additional cost to the customer of \$2.28 per month. Following further comments, Mr. Poe urged the City Council to adopt the cost sharing recommendation. Mayor Green stated that he feels the Council needs time to look at the figures and review the information further before any decision can be made. Mayor Green questioned how the authority is handling the concentrated sewer treatment wastes and how the Authority equates the treatment of homes in Harrisonburg with treatment of facilities such as Shenandoah's Pride. Mr. Poe noted that the pre-treatment system of Shenandoah's Pride is currently in compliance and noted that in July 1987, the sewer authority adopted a surcharge for high strength wastes. Following questions from Council Members concerning how the cost allocations were determined, Mr. John Driver, member of the Regional Sewer Authority explained how the allocations were made, noting that they were finally established after a year of heated arguments. Following this explanation, Mr. Driver commented that the time will come when all the water and sewer systems will have to come together. Mr. Driver further noted that the Sewer Authority has proven that it is less expensive to operate a regional system rather than each jurisdiction having separate systems. Mr. Driver also pointed out that the City's water study achieves about all the goals the sewer authority is expecting in their water study and noted that the City's engineers recommend that the City talk with Dayton and Bridgewater about water. Concerning the Authority's water study, Mr. Driver stated that he feels there has been a communication gap between the members of the Sewer Authority and the City Council over this study, noting at the time he voted for it he felt it was necessary but at this time he does not feel it is needed. Mr. Driver stated that the water study has already been voted for, but he plans to explain the City's water study the Authority's next meeting, noting that he feels they will be willing to drop their water study. Following further comments, Mayor Green stated that the Council needs time to study this information and a compromise needs to be worked out.

✓ Vice-Mayor Rhodes moved that a supplemental appropriation in the amount of \$17,998, requested by the Director of Social Services, for the expansion and improvement of child care services for income eligible families in need of child care services be approved for a second and final reading, a first reading having been approved on November 12th and that:

\$17,998.00 chdg. to: VPA-5-1900-1901.01.1
Estimated Revenue - Recoveries
and Rebates

\$17,998.00 approp. to: VPA - 5-1-5309-0-0-5714.07 Child
Care fee Block Grant

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Mr. Joe Eney, stated that he agrees to a need for a large view of a water supply system while still maintaining the quality of life and the quality of the environment. Mr. Eney stated that what he questions is the time frame and geography from which the growth population figures were derived. Mr. Eney also stated that he questions the bases upon which some of the projections were made in the water study. Mr. Eney expressed concern over the long term integrity of Switzer Dam, and questioned what happens if Switzer Dam goes. Mr. Eney noted that his suggestion would be for multiple sources of water and a need to look at the entire region for sources of water supply. Mr. Eney concluded in asking if the City needs to put a pipe directly into the dam, questioning if there is a better place to put it.

At 10:17 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Jones
MAYOR

REGULAR MEETING

DECEMBER 17, 1991

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; and Captain Fairweather. Absent: City Auditor Philip Peterman.

Minutes of the regular meeting held on November 25, 1991, approved as read.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of November, 1991.

From the Police Department - A report of fines and costs collected - \$5,067.00; cash collected from street parking meters - \$8,093.40; total cash collected and paid on accounts - \$13,160.40

From the City Auditor - A report of cash discounts saved in the payment of vendors invoices for the month of November, 1991, in the amount of \$823.52.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of November, 1991.

✓ At 7:35 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice as it appeared in the Daily News Record on December 3rd and 10th.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 17, 1991, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street to consider the following rezoning request:

1. Edsel and Frances Edwards and Heifer Investments request to rezone 2.6 acres on west side of Willow Hill Drive, from R-2 Residential to R-3 Multiple Dwelling District.

Information concerning this case is available for review in the Community Development Office, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

Zoning Administrator Cook called Council's attention to a map of the area and the plan of development that was submitted with the original request in April 1991. Mr. Cook explained that the original request was withdrawn and what continued was a subdivision of a lot line dividing the parcel into two individual parcels which was done under the minor subdivision ordinance. Mr. Cook noted that there was some confusion, at the Planning Commission meeting, as to which was Lot 1 and Lot 2. Mr. Cook explained that Lot 1 is the lot on which Eddie Edwards Sign Shop and Mr. Edwards' residents is located. Mr. Cook went on to explain that Lot 2 faces on Willow Hill Drive and the end of it faces on Pleasant Hill Road. Mr. Cook noted that the following two proffers were made at the Planning Commission meeting on October 16, 1991:

- #1. The parcel owned by Edwards fronting on Willow Hill Drive, containing 1,272 acres be restricted to residential buildings of not more than four units in a building. (Lot 2)
- #2. Buildings on Heifer parcel continuing 1.345 acres be restricted to present uses or residential use and the use of the existing dwelling be restricted to residential or professional office uses. (Lot 1)

Mr. Cook noted that as a result of the proffers and public interest, the Planning Commission recommended the conditional rezoning to R-3 of the Heifer property which is Lot 1 and did not recommend the rezoning of lot 2 from R-2 to R-3. Mr. Cook added that following the Planning Commission meeting, Mr. Henry Clark, attorney for Edwards and Heifer, made a request to withdraw proffer #2 due to the confusion created by it. Mr. Cook explained that even though the Planning Commission did not recommend the rezoning of Lot 2, it is still up for consideration by the City Council. Mayor Green called on anyone present desiring to speak for the rezoning.

Mr. Henry Clark, explained that proffer #2 was withdrawn because of the confusion it created and because it really didn't say anything, noting that it was offered because there was concern that the dwelling house might be or could be used in conjunction with the commercial operation of the sign business. Mr. Clark noted that basically they are not asking for anything different than what is presently there and from what has been there for many years. Mr. Clark also stated that they are not asking for anything that would change the character of the neighborhood from what it presently is. Mr. Clark asked Mr. Edwards to explain a layout of the area showing all the businesses, apartments, single family homes etc. and indicate where the traffic will come into the neighborhood off of Willow

Hill Drive. Mr. Clark concluded in reiterating that they are not asking to do anything different than what is presently there.

Mayor Green called on anyone present desiring to speak against the rezoning. Mr. David Hatmaker, representing certain property owners in the Willow Hills Area reviewed a history of this request, explaining that the original request was to rezone both lots from R-2 to R-3 with no restrictions. Mr. Hatmaker noted that a proffer was made at the Planning Commission that Lot 2 be restricted to residential buildings of not more than four units, that the upper lot be restricted to its present use or residential use and that the dwelling be restricted residential or office use. Mr. Hatmaker called Council's attention to the Planning Commission minutes and pointed out that from the minutes it seems that Lot 2 was "pretty much put to bed." by agreement of the developer and the Planning Commission. Mr. Hatmaker then read the following excerpt from the Planning Commission minutes:

Mr. Byrd asked Mr. Clark in regards to Lot 2 bounding Willow Hill Drive, you are satisfied that it would remain R-2 and could be developed as R-2 and as you see it now without any hardship variances and exceptions to easements." Mr. Clark said that is correct. Mr. Byrd asked that this be a part of the minutes. Then followed the Planning Commission vote to accept the proposal for the conditional rezoning of Lot 1 and for Lot 2 to remain R-2, which passed.

Mr. Hatmaker noted that apparently since the Planning Commission meeting the developer has changed his mind and now wants both lots rezoned and has also withdrawn his proffer with respect to R-1. Mr. Hatmaker further noted that the "present posture" before City Council this evening is a request to rezone both lots unconditionally R-3. Mr. Hatmaker noted that the residents of this area are concerned that the peace and quiet of their neighborhood will be destroyed with the increased volume of traffic that will be generated if these lots are rezoned. Mr. Hatmaker further noted that the residents feel that this will create an unsafe environment with the number of children, buses, joggers etc. in the neighborhood. Mr. Hatmaker also noted that this is spot zoning, and they are absolutely opposed to spot zoning because spot zoning creates an environment in which more bad zoning can take place. Mr. Hatmaker noted that the new comprehensive plan, which will be before the City Council next month, recommends that the zoning for this area remain as it is now. Mr. Hatmaker concluded in asking the City Council to affirm the Comprehensive Plan as it now stands, support the Planning Commission's recommendation that Lot 2 be kept as lot 2 and deny the request for unrestricted rezoning of Lot 1.

Becky Hunter, Helene Pettus, Tom Bundrick, Ray Sockie, Diane Carr, and Martha Phifer, all noted that they are against the rezoning request, and expressed concerns about the increased traffic the rezoning will create, that property values will go down, the feeling of spacious in the area will be destroyed and expressed concerns about the safety of the children etc. in the neighborhood with the increased volume of traffic.

Ms. Helen Hanson, stated that the Neighborhood Coalition supports the residents of Willows Hills and is opposed to the rezoning requests.

Following additional comments from Mr. Henry Clark and Mr. Hatmaker; Vice-Mayor Rhodes offered a motion that this request be referred back to the Planning Commission for further consideration due to the confusion concerning these rezoning requests. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker called Council's attention to their copies of the Harrisonburg Rockingham Community Services Board Financial Statements for the year ended June 30, 1991, and noted that copies are available in the Manager's office for public inspection.

✓ Mr. Allen W. Gutshall, E. H. Program Manager for the Central Shenandoah Health District, was present in the meeting to present the Environmental Health Annual Report. Mr. Gutshall presented the Council with a pie chart of the 1990 Health Activities for Harrisonburg and explained the activities that took place during 1990.

✓ Acting City Manager Baker presented for Council's consideration of a first reading an ordinance for the sale of airspace over South Mason Street to the Rockingham Memorial Hospital. Council Member Heath offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented the following ordinance for Council's consideration of a second and final reading:

ORDINANCE AMENDING AND RE-ENACTING SECTION 12-1-51
OF THE
HARRISONBURG CITY CODE

Section 12-1-51. Processors of poultry and poultry products.

Every person conducting or engaging in the processing of poultry or poultry products shall pay for the privilege an annual license tax of thirty dollars (\$30.00) for the first five thousand dollars of gross receipts, and three cents (\$0.03) for each additional one hundred dollars (\$100.00) of gross receipts in excess of the first five thousand dollars (\$5,000.00) derived from the occupation during the

preceding calendar year.

This ordinance shall be effective from January 1, 1992.

ADOPTED AND APPROVED this ___ day of December, 1991.

Council Member Heath stated that, because the poultry industry is currently not in a good position to incur more taxes, he would like to offer a motion to amend the first reading of the ordinance to increase the rate to two cents rather than the proposed three cents. Vice-Mayor Rhodes seconded the motion. Following discussion the amended motion was defeated with a 4 to 1 vote. Following comments from Commissioner of Revenue, Kale Barb as to what other business are paying, Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading with the three cent rate which was approved for a first reading on November 12, 1991. The motion was seconded by Council Member Dingleline, and approved with a majority recorded vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 20, 1991:

Planning commission recommendation to approve subdivision of a 3 acre lot and dedication and construction of Evelyn Byrd Avenue for Forbes Commercial Park.

"...Mr. Blackwell and the Planning Commission discussed requirements for a bond, traffic in the area and existing and future plans for roadways. Mr. Roger Baker advised the Commission that Mr. Blackwell was aware of the need for a bond before City Council met. Mr. Wassum made a motion to approve. Dr. Gardner seconded the motion. The motion carried..."

Zoning Administrator Cook explained that the Planning Commission is recommending the approval of this subdivision, but noted that the bond has not been submitted or letter of credit received. Acting City Manager Baker stated that he has received a letter from the First Commercial Bank of Arlington, VA., and the bank is prepared to extend the letter of credit to Mr. Forbes for this development. Mr. Baker explained that Mr. Forbes was trying to complete as much of the construction of this development as he could before the issuance of the letter of credit so the amount of the letter of credit could be reduced. Council Member Heath offered a motion that the recommendation of the Planning Commission be approved on condition that the signature on the final plat will be with held until the letter of credit is issued. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on November 20, 1991:

Planning Commission recommendation to approve subdivision of a 2.04 acre lot located at Kelley Street and Tower Street, lots 1 thru 6, for Harrisonburg Housing and Redevelopment Authority.

"...After Mr. Cook described with a block map and final plat, the Kelley - Tower Subdivision, he introduced Mr. Jim Deskins from Harrisonburg's Housing and Redevelopment Authority. Mr. Deskins explained construction costs, purchase costs to the public, and future plans for the subdivision. Mr. Rhodes spoke of the need for affordable housing in Harrisonburg and made a motion to approve. Mr. Neff seconded the motion. The motion carried..."

Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker called Council's attention to the Harrisonburg-Rockingham Regional Sewer Authority Facility Expansion and Improvement Project and noted that this is the third time it has appeared on the Council's agenda. Mr. Baker stated that if the City is going to continue to grow, the plan will have to be expanded. Mr. Baker stated that the main concern has been the percentage that the City has been asked to pay for the expansion, and stated that he feels what is proposed is in the best interest of the City. Following further comments from Acting Manager Baker and from Mr. Curtis Poe, Council Member Heath offered a motion that the Sewer Authority Facility Expansion and Improvement Project be approved. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of the City Council.

✓ Acting City Manager Baker stated that Augusta County has requested the Harrisonburg Rockingham Regional Sewer Authority to provide treatment of domestic septic tank waste for Augusta County while they are building a facility to treat their own septage. Mr. Poe noted that this will be a very small loading on the plant, will only be residential sewage and any agreement with Augusta County can be terminated at anytime. Acting Manager Baker noted that if the City Council is agreeable to doing this a motion is needed to modify the Sewer Authority's contract. Vice-Mayor Rhodes offered a motion that the contract be modified so the Harrisonburg Rockingham Regional Sewer Authority can provide treatment for Augusta County. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented and read a letter from Christine A. Whitelow, Utility Billing Department, requesting authorization to write off a list of delinquent accounts. The letter stated that none of the accounts listed currently have service with the City of Harrisonburg. Vice-Mayor Rhodes offered a motion that the Billing Department be authorized to write off the list of delinquent accounts. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Ruth Deskins was present in the meeting to discuss with the City Council the upcoming Tour DuPont and to ask for the City's support of the event. Ms. Deskins noted that Harrisonburg will be the location for the start of stage six of the race. Ms. Deskins explained that the Tour DuPont is broadcast in more countries than the olympics and noted that this would be great exposure for the City. Ms. Deskins stated that the Chamber is not asking the City for any money, only support, and will reimburse the City for any expenses incurred. Acting Manager Baker stated that no intersection in the City will have to be closed for more than 10 to 15 minutes and that no street in the City will have to be closed for a long period of time. City Attorney stated that the participation agreement, which is before City Council this evening, needs to be rewritten. Following further comments, Council Member Heath offered a motion that the City offer its support of the event subject to the City Attorney's approval of the agreement. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented for Council's information a summary of the Board of Zoning Appeals' activities as required by Section 10-3-112 of the City Code.

✓ Concerning a fixed assets inventory for the City of Harrisonburg, Acting Manager Baker noted that the City already has a lot of information on file, so the City should receive a good price on the inventory. Following further comments, the Council directed Acting Manager Baker to proceed with the advertising for proposals for a fixed assets inventory.

✓ Acting City Manager Baker requested City Council permission to renew the lease with Sherwin Williams for one more year; noting that the lease can be cancelled with six months notice and that the City has no present need for the space. City Council directed Mr. Baker to renew the lease for one year.


✓ Acting City Manager Baker noted that copies of the Upper Valley Regional Park Authority's audit report for the year ended September 30, 1991, are available in the Manager's office for public inspection.

✓ At 10:00 p.m., Vice-Mayor Rhodes offered a motion that Council enter an executive session for discussion and consideration of the prospective candidates to be appointed to the Board of Public Welfare, City Planning Commission, Building Code Board of Appeals, Harrisonburg Redevelopment and Housing Authority, Parks and Recreation Commission and the Harrisonburg Electric Commission, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Heath, and approved with unanimous recorded vote of Council.

At 10:45 p.m., the executive session was closed and the regular session reconvened. City Attorney Thumma read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked City Council wishes concerning an appointment to the Harrisonburg Electric Commission, noting that Mr. Fred H. Scott's first term expires on December 31, 1991. Vice-Mayor Rhodes offered a motion that Mr. Fred H. Scott be appointed to a second term, of three years, on the Harrisonburg Electric Commission, term to expire on December 31, 1994. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

At 10:50 p.m., there being no further business and on motion approved the meeting was adjourned.


CLERK


MAYOR