

REGULAR MEETING

JANUARY 11, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper. Absent: Mayor C. Robert Heath.

Council Member Dingledine offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart asked Bonnie Paul representing Litten & Sipe to explain the bond issue of the Harrisonburg Redevelopment and Housing Authority Manassas Arms Project. Ms. Paul stated this bond is issued to assist housing in another jurisdiction, this one being in Manassas. The Harrisonburg Redevelopment and Housing Authority has approved the application of Manassas Arms/VIP Partners, L.P. to issue bonds in the amount of \$650,000 to assist with the acquisition and rehabilitation of an apartment building located in Manassas, Virginia. Both the Manassas City Council and the Authority have held the required public hearings for the issuance of these bonds and approved it. The Internal Revenue requires public approval because it is a tax exempt issue, the amount being \$650,000. The Authority has requested that Council approve this resolution. Council Member Green asked the question "What did the Housing Authority waive?" Council Member Green would like to know the true status of the financial arrangements as to who gets paid what and when. Ms. Paul responded by saying it was her understanding the application fee was waived, but the Authority will receive the origination fee in the face amount. Following further discussion, Council Member Weaver offered a motion for approval of this bond issue. The motion was seconded by Council Member Dingledine, and approved with a recorded vote of Council Members present.

✓ Council received the following extract from the Planning Commission meeting held on December 15, 1993:

"....Chairman Wassum read the agenda item to consider the recommendation to adopt the revised Proposed Major Street Plan. (continued from the October 20, 1993 Public Hearing Meeting.) Chairman Wassum explained that this was continued from the October meeting but was not a continuation of the Public Hearing. Chairman Wassum asked Mr. Neff, Chairman for the Proposed Major Street Plan Committee, to present their findings.

Mr. Neff expressed his appreciation to the Chair for the opportunity to serve on the committee. He said that the committee had

meet twice with all members present as well as concerned citizens. Mr. Neff listed committee members: Secretary James Gahagan; Saul Harris; Steve Krech; Helen Hanson; Diane Foucar-Szocki; Steve Stewart; Paul Rexrode; and himself. He added that staff members were: Roger Baker; Dan Rublee; Stacy Turner; and Gary Cook. He said that in some areas the committee came to a consensus and in some areas the committee talked about options with respect to the proposals. Mr. Neff asked Mr. Jim Baker, Superintendent of Streets, to present the different options and information pertaining to cost.

Mr. Jim Baker said that he was glad to have been a part of the committee and hoped to continue a good working relationship with citizens. He reminded the Planning Commission members that this was a major street plan that was developed from approved documents and this plan was to be used as a planning tool for future and existing streets through the year 2015. Mr. Baker reviewed several revisions and suggestions proposed.

1. Neyland Drive extension to West Market Street: Due to concerns with the traffic from Market Street, using Neyland Drive as a shortcut to South High Street, it has been suggested to only loop the extension of Neyland Drive to Wyndham Woods to serve the residential area without the connection to Market Street.

2. South Dogwood extension to Erickson Avenue: Concerns of traffic using Dogwood Drive as a through street from Erickson Avenue to Market Street were expressed. The plan was revised to indicate an extension of Hidden Creek Lane, from Dogwood Drive to Garbers Church Road, and an offset connection to Erickson Avenue, from Hidden Creek Lane to Erickson Avenue. This suggestion will still allow access through the area, but will not suggest an easy shortcut for vehicles avoiding South High Street.

Note: Revisions (1) and (2) above are suggested residential streets which if built, will be by developers. Property owners or developers may desire other streets. There is no guarantee through streets will not be built by developers.

3. Virginia Avenue - proposed 4 lane from Gay Street to 5th Street: Citizens living along this street are concerned with the ultimate 4 lanes of Virginia Avenue. This section of Virginia Avenue (State Route 42) is the only remaining section of 2-lane roadway between Bridgewater and Broadway. The existing pavement is of sufficient width to 4-lane. Parking will have to be removed

Traffic volumes are near 9,000 vehicles per day. This is the normal threshold number for considering 4-lanes to handle the traffic flow. Ultimately all warrants will be met, and the congestion will demand 4-lanes.

Residents of the area have requested that the 4-lanes be held off as long as possible, and would prefer that the street not be changed. They have suggested several improvements prior to considering the 4-lanes.

A. Improve traffic flow through the area by synchronizing the traffic signals from Mt. Clinton Pike to Market Street. This suggestion is possible, and plans are underway to improve the signals in this area, through the City's annual traffic signal improvement program.

B. Improve and provide off street parking for residences along Virginia Avenue. Prior to removing the parking, several residences will have to be provided with driveways. The City plans to work with the residences to provide off street parking, prior to making the street 4-lanes.

C Consider landscaping between the walks and curbs with trees

and shrubbery that will provide sound barriers from traffic noise. Coordination with civic groups to install the plantings.

D. Give advance notice to the citizens prior to changing the street to 4-lanes.

E. Consider reducing the speed limit to 25 mph. This is not recommended by City staff. The speed limit through route 42 is 35 mph. Reduced speed limits on arterial streets are not used unless there is a large amount of turn movement to businesses or side streets. Reducing the speed in this area will cause motorists to take chances and will reduce the efficiency of the street. The concern of the citizens is acknowledged, however reducing the speed will not improve the safety of the pedestrian crossing the street.

The concerns expressed by the citizens will be considered, and the above noted items will be coordinated with them. Virginia Avenue will be 4-lane in the future. This project will be delayed until the traffic volumes and congestion require 4-lanes.

4. Erickson Avenue extension from South High Street to South Main Street - then to Stone Spring Road at I-81: Citizens from the Willow Hills neighborhood have expressed concerns with the closeness of the planned street to their area. This is a proposed minor arterial street with controlled access, just South of Willow Hills. Several alternate routes were discussed, and the attached report by the City Engineer evaluates each route. The original route is estimated to be approximately \$1 million less than the compromised route. Due to the cost of the construction and the larger number of homes and businesses disrupted by the alternates routes, the original route is recommended by the City staff.

The staff recognizes the concerns of the citizens of Willow Hills. Locating new and improved streets at any location will cause disruption to citizens and property. The alternate routes displace several homes and alternate 3 also cuts through property which could be developed as does the original route. Staff recommendation is based on comparisons of cost, disruption to property, and consideration of all citizens of Harrisonburg.

Mr. Baker asked Dan Rublee, City Engineer, to give construction costs and impact.

Mr. Rublee said the three routes in question are known as 1) the Original route, 2) the Pear Street-Mosby Road route and 3) the Combined route. East of Main Street, routes 1 and 3 run concurrently. Similarly, routes 2 and 3 run concurrently for approximately 2500 feet on the west end of Pear Street. The Pleasant Hill route from the November 19 study has been eliminated from consideration by consensus of the committee. He said the study was intended to approximate the major cost for each route. Other costs for items such as traffic signals, mobilization, intersection work, geotechnical investigations and contingencies are not included since they would be similar for all routes. Therefore, the estimates are intended for cost comparisons only, and should not be considered as total project costs. To compile the data, a preliminary plan and profile design was prepared for each of the three routes, using the City's 1"=100' scale topographic maps. Designs were based on VDOT and City criteria for minor arterial urban streets, the critical elements of which are: a maximum 7% grade, a maximum 6-degree horizontal curve and an absolute minimum stopping sight distance of 400 feet. Cross-section used consisted of 80 feet of right-of-way with 48 feet of roadway between curb faces and 8 feet beyond that on each side for sidewalks and/or shoulders.

The City Engineer stated that the analysis of the three alternative routes clearly shows that the Original route is the most economical from the standpoint of construction and right-of-way costs.

Also, to truly build an arterial street with controlled access, which is what has been determined necessary, it is the only choice. Because of existing development along Pear Street and Mosby Road, the alternative routes will not be able to support a controlled access design between High and Main Streets, unless additional local streets are constructed for alternative access to the frontage properties, which, if even possible, would significantly increase the total cost of the arterial street. Because of the existing development east of Main Street, maintaining controlled access through that area seems unlikely for any of the three routes. Also, in considering roadway aesthetics, the depth of cut at centerline at the top of the ridge west of Main Street is 49 feet and 40 feet for the alternative routes, as compared to 23 feet for the Original route, which represents a significant difference when comparing the aesthetics and general appearance of the roadway. Lastly, in reviewing structure types scheduled for removal, the study indicates that nine and five single family homes will be removed with construction of the Pear-Mosby and Combined routes, respectively, as compared to two for the Original route.

The Pear-Mosby route which comes across Main Street at different locations and requires a crossing at Blacks Run, is approximately \$1.9 million more expensive than the Original route. This cost is primarily due to additional length, bridge costs and existing road that needs to be rebuilt, therefore demanding a higher unit cost. Mr. Rublee referred to the conceptual plan cost estimate sheets for each route and stated that due to the additional cost for the alternate routes, staff recommends that the Original route be kept on the plan.

Mr. Baker said that staff does recommend the Original route because of the cost and the impact on the areas. They do understand the concerns of the residents of Willow Hills, but in looking at the citizenry as a whole and the benefit of this project, the Original option is the best.

Mr. T. J. Wilson, from Valley Blox Inc., asked Mr. Rublee if the loss of revenue of a business that had to move out of town was figured into the ultimate expense to the city. Mr. Rublee answered no. He added that, although not included in the estimate, cost of right-of-way purchases for the alternative routes will likely be greater than those for the Original route.

Mr. Stewart said that at this point, in the development of a street plan, we have already gone into much more detail than considered normal. He said that this is a conceptual plan to develop corridors for roadways. To get into the level of revenue loss or what structures might be demolished is beyond the scope until the actual design phase.

Chairman Wassum asked that the letter from Valley Blox, Inc. be included in the minutes. The letter read:

"...The street proposal under consideration by your Commission raises serious concerns for our company. In particular, several of the options to connect High Street with Stone Spring Road would cripple our existing operations.

Valley Blox has operated at 210 Stone Spring Road for more than forty years. Our present location provides adequate space for our business but there is certainly no extra room for a road to come through our facility. Moreover, the proposed road locations would destroy key components of our manufacturing operation and force Valley Blox to close the plants and relocate them.

Besides the substantial disruption to our business, other city residents would be harmed by the closure of our operations in the city. Valley Blox gladly pays more than \$320,000.00 a year in local sales taxes, business licenses and property taxes to the city. Those lost

revenues would have to be replaced by higher taxes from other city taxpayers, or the city would need to reduce its services by \$300,000.00. Neither alternative is very attractive. In addition, Valley Blox retained an independent consultant to quantify the expense to move just one of our manufacturing operations. It will cost over one million dollars for the precast concrete operations to be moved.

Up until this time, Valley Blox did not loudly oppose these road proposals because we were willing to suffer some minor inconvenience for the good of all city residents. The current proposals, however, go far beyond minor inconvenience and substantially hinder our ability to continue operating in the city. That is bad for Valley Blox and bad for the City.

We trust you will give our concerns due consideration and relocate the roads to points less disruptive to existing operations and communities within the city.

Very truly yours,
Joseph J. Mullen...."

Chairman Wassum asked for a member of each area represented on the committee to speak.

Helen Hanson, 1118 South Dogwood Drive, asked for a show of hands of people in the audience that were interested in the street plan. Approximately 10 people raised their hands. She referred to the letter she had written to the Planning Director suggesting what the residents do not want and a willingness to accept the proposals. She said that she had not seen the placement of the road from Erickson Avenue to Hidden Creek Lane so low on the plans map. She had understood that it would be very close to Garbers Church Road and so she had concerns about that placement. She said they are asking that when the Hidden Creek Lane extension to Garbers Church Road is developed, that it not be made a straight road but have curves and stop signs. This, she hopes, would keep it a residential street. She also asked that City staff, inform developers that this be maintained as a residential street. She said that they are even asking for written assurances about this. Ms. Hanson added that they are also asking that the City staff not let a through street be developed by future developers on the land that backs up to South Dogwood. She said that since there is a lot of disagreement about the Willow Hills street plan, why not have an impartial evaluation done.

Steve Krech, 524 Virginia Avenue, said that he was impressed with the amount of effort put forward by the committee members. He referred to the request of reducing the speed limit to 25 mph for the Virginia Avenue 4 lane proposal. He said that the request was for after the road was turned into 4 lanes and he felt that at that time it would warrant a 25 mph speed limit. In regards to the Willow Hills proposal he said the residents of Virginia Avenue support their concerns.

Diane Foucar-Szocki, 1922 Lynne Place, read a response she had written to Mr. Baker's report.

"....I write this in addition to the response of the Willow Hills Neighborhood and letters of other citizens, upon review of Mr. Baker's report. This report was made available to me just this afternoon. I sincerely thank

Ms. Turner for her concerted effort to hand deliver a copy to me today. The report, the minutes of our meeting, and my participation on the committee, serve as the basis for my comments. I've written these comments in haste. I regret having to do so and apologize for any error in thought, word or conduct due to the immediacy required of my response. My intention is to share perceptions, which in the light of new data, are not adequately expressed elsewhere. I appreciate your

understanding.

First, to characterized our concern as simply "not in my backyard" and to place Willow Hills in a position of asserting its interests over the interests of other citizens is not wholly accurate. There are larger issues at stake here. As history, we've been trying for more than two years to establish dialog about this road with city staff, commissioners and our neighbors, both in our neighborhood and beyond. At the first meeting of the Ad hoc streets plan committee I asked that others whose interests might be brought to bear regarding transportation decisions be invited to the table so that they might speak for themselves. This did not occur. Others, specifically, those on Pear and Mosby, were not brought to the table. Their interests are as legitimate as any other constituency and ought to be considered. However, as was the case with those of us sitting around the table, we were able to dialog to reach a mutually acceptable alternative rather than merely respond. To characterize this as us versus them without them participating, is unfair.

Second, from the outset my concern here has been one of concept. How do you maintain the quality of life in any neighborhood by building a four lane major arterial through it? The proposed Route 1 (original) effectively splits one of the largest residential (R-1) land areas available for development in the city. How does that serve the city, its quality of life and its citizenry? In researching this issue I have attended to transportation routes and road type in areas where I've traveled including Charlottesville, Richmond, Pittsburgh and Dallas. The only city where I found a road of the type being proposed, a four lane road with houses built on it, was in Dallas TX., a city nearly 700 times larger than ours.

Third, the Comprehensive Plan repeatedly refers to maintaining the quality of life that is Harrisonburg (p.151,). I continue to ask, as many of us have for more than two years, how Route 1 serves that end? I ask that you continue to ask this question also. City staff is strongly wedded to Route 1. I continue to ask why?

Fourth, planning, as several of the committee members asserted, does not wind roads, create ninety degree turns or build roads that go nowhere. The road proposed, either Route 1, 2 or 3 currently goes nowhere. It would effectively drop thousands of trucks and cars at the foot of Peach Grove Street, where Stone Spring Elementary is located. This road does not go to Port Road, Route 33 or THE MALL. It goes to a narrow, winding country, county road and connects to a nice, wide road that accesses an elementary school which brings me to the HATS study and City/County relationships.

To commit 5-7 million dollars (and it does have to be committed if this is truly proactive planning) without assuring that others (the State and the County) will be taking the steps necessary to insure that this road goes somewhere, is irresponsible. So I ask, what is the rush? I understand that the HATS study still must be adopted by each municipality. Have we done so? How does this (the city's) fit with HATS. From my position, it makes sense to adopt a larger study, which incorporates our more area specific study, rather than to do it the other way around. As our Commissioners, I would hope that you would ask more questions about this relationship and the apparent rush to get our plan approved prior to HATS.

Fifth, planning takes into account an uncertain future, however, to truly enact this plan, regardless of the route chosen, a public commitment of monies must be made. Development depends upon the placement of this major road. To leave it to the piecemeal, pay as you go, meet the needs of the developer history of Harrisonburg, jeopardizes all of us. How will this road be paid for? Planning requires a financial plan well into the future. What is that plan? What are the alternatives?

Sixth, we need a connector road now. Why don't we call this the connector road? What prohibits us from doing that when that is in fact what it is? If this is what it is and we don't call it that, why? Historically our city is behind its own growth curve on capital investments and improvements. I site the Middle School and Port Road widening as examples. By the time the improvement is made it is obsolete. This road, particularly Route 1, puts us in that position once again. We all agree that a route is needed now from East to West, yet the window for this road, route 1, 2 or 3 is ten to twelve years if placed on the HAT's six year plan. Other financing alternatives suggest less productivity without a commitment to right of way purchases and publicposting of the actual, detailed, plat-placed route. To plan and not purchase does not lead us proactively to the future. With the realistic timeline of six to twelve years, a road as close in as Route 1 places a long overdue major four lane highway through a decidedly residential, neighborhood area. Why?

Route 2 of the options presented, (and there are other options than those presented) is most realistic for what is needed, rather than what appears to be desired.

Seventh, regardless of which route is approved, this is a major arterial, four lanes of 45 mile per hour traffic, moving vehicles of all types from one place to another. In the year 2000 and beyond, considering various scenarios (additional growth South, another Mall or major shopping area South or North, additional need for annexation,) where does such a major arterial NEED to be? What purpose does such an arterial serve for the area? The purpose and fit should determine all else, form follows function.

Thus, I ask why "controlled access." As I understood the explanation given to me by the committee members this is a distinction made by the City, not the Department of Transportation. What is the advantage? Is it truly an advantage? What does it really mean? How does it or the lack of it influence development and growth? Does it, as staff has asserted, assure that development along this four lane major arterial will be in compliance with the current residential land use? How?

Finally, many of you are new to the Planning Commission. Asking questions enhances your knowledge and understanding, making you better able to make independent judgments. Before you approve this plan, I hope you will ask about the actual plat-specific, placement of the road. To have provided the cost analysis now before you (which we asked for time and again prior to this date) a specific route must be in mind. What is it? I hope you ask about all of the costs, how they were determined and where they could vary. For example, Mr. Rublee says in his letter "cost of right-of-way purchases for the alternate routes will likely be greater than those for the original route." He rightly states this is not a certainty. Within each alternative what is certain and what is not? I hope you also ask about environmental issues and drainage. The creek that runs behind Willow Hills is part of the Chesapeake system. What influence does that have on attempting to traverse it as Route 1 proposes? Where will the drainage go? For Route 1, it was suggested that water would have to be carried to Main Street. That cost, as I read the projections, is not included in the estimate for Route 1. What will that cost? What other costs are there that are not yet estimated? What about noise abatement, regardless of the route? What will be done? What strategies will be pursued, trees? barriers? etc? At what cost?

The city staff works for you and works for us. They are hard working individuals. Their effort is appreciated. However, if staff recommendations were all that were needed to guide our future there would be no need for a Planning Commission. You represent the citizenry. Represent all of us well.

We have been told from the minute we arrived here to remain ever vigilant. I ask that you remain ever vigilant for the citizenry, gather as much information as possible before you make commitments for us. Ask the hard questions, the silly questions, the stupid questions, but ask the questions and continue to seek data from multiple sources. It is your obligation as a servant of our community. I appreciate your commitment to serve and recognize the personal commitment each of you make. I thank you very much for your time and consideration..."

Ms. Foucar-Szocki added that we talk about this as a concept and that they feel conceptually, this is the last chance they will have to get details.

Dan Brubaker, 150 W. Mosby Road, said that he was going to be greatly affected by the Willow Hills proposal and supported the Original concept. He said the Original proposal was the ideal way to go because it was probably the only place in Harrisonburg that 2 miles of roadway could be built and only affect one home.

Mr. James Hoak, 450 Pear Street said that the 4 lane highway was probably going to take his home and that he was concerned about the future value of the property. He asked what was going to be done at the interchange under the railroad and what the cost would be for that. Mr. Rublee said that there was no cost estimate for that area.

T. J. Wilson, from Valley Blox Inc., spoke to say that he was the director of a company that the #1 Route was going to go through. He said that they pay \$300,000.00 per year in taxes and as a corporate citizen, they don't put a drain on city resources. He explained that this proposal would impact their decision on staying within the city. He said that this company has been in its present location for forty years and his concern is when the overall impact is looked at, there will be an important impact on the tax revenue. Mr. Wilson added that they do not want to move.

Michael Hoak, son of James Hoak, said that the long term future on the property the city was proposing to run the road through would inhibit the use of R-1 zoning. They would like to develop the property as R-1, however the City is forcing their hand into developing it into something different.

Chairman Wassum explained the different options of voting on the different proposals. He recommended to the Commission to take action on the 37 items from the Street Department and incorporate into that, the input as related to the Dogwood Addition, Neyland Drive and Route 42. Further suggestion was to leave open the Pear Street/Willow Hills proposal for more discussion.

Dr. Beasley moved to hold off on the Pear Street proposal.

Mr. Neff said that he thought City Council would want an action from Planning Commission with respect to the Pear Street/Willow Hills proposal. He said that an extensive amount of time had been put into the proposal with respect to the concept of planning. He explained that this road does not take the place of a connector road that is in the planning stages. The connector road would take alternative traffic away from this section. This proposal is not intended to serve that purpose. He said that never, in any of the committee meetings, with respect to this roadway, did they not take into consideration, preservation of the neighborhood. You can develop this property as R-1 with good quality design and planning. If it needs further study and consideration, that is fine, but at some point in time a decision needs to be made.

Mr. Rexrode agreed. He said that we are charged with the responsibility of being more proactive in planning. There are questions that can't be answered at this stage but will be at various stages. The longer you wait to get this on the map, the greater the danger that more development will take place. He said that we have to think about

all citizens and all neighborhoods. Mr. Rexrode moved to approve the staff recommendation as presented by Mr. Baker, including the Route 1 connector. Mr. Neff seconded. Chairman Wassum asked if there was any further discussion on the motion. Mr. Stewart asked for clarification of the motion. Mr. Rexrode said that the motion was to include the modifications and the original proposed route on the Erickson Street connector that was in Mr. Baker's report.

Mr. Homan said that he feels that a decision needs to be made. He said that in looking at Cantrell Avenue and how it has worked, then it could also work on the other side. He stated that the financial factor needs to be a very serious consideration to the City. Mr. Homan said that we are making decisions for everyone here and I am very concerned for anyone that might lose their home, but we have a no win situation here.

Mr. Neff said that if this plan is or is not approved, further discussion and study needs to go under way. He said that some considerations need to be looked at and given to the business on the east side of Main Street for potential solutions as far as road location goes. He said he would like that to be staff's responsibility as well.

Mr. Homan agreed, but would like that to be done in a timely manner in relationship to potentially when this road would be developed. This is not something that's going to happen right away and the City's money should not be spent immediately evaluating some of these cost factors.

Chairman Wassum asked to state the motion again. Mr. Rexrode stated that he moved approval of the plan that Mr. Baker presented with the amendments made by consensus with the committee and with the addition of the #1 route for the Erickson connector. Chairman Wassum asked for a voice vote.

Mr. Neff voted aye. Mr. Homan voted aye. Mr. Stewart voted aye. Ms Whitten voted aye. Mr. Rexrode voted aye. Dr. Beasley voted aye. The chair voted aye, , , , "

Respectfully submitted,

Stacy Turner
Planning Director

Vice-Mayor Neff explained that Council will be setting a date for the public hearing on the Major Street Plan. Since Staff has already briefly reviewed the Planning Commission's recommendations, the only discussion necessary at this Council meeting is an overview of what has been presented and recommended by the Planning Commission. Planning Director Turner explained several revisions and suggestions proposed by a meeting between concerned citizens, Planning Commission and City Staff. Neyland Drive extension to West Market Street, South Dogwood extension to Erickson Avenue, Virginia Avenue - proposed four lane from Gay to 5th Street, Erickson Avenue extension from South High Street to South Main Street - then to Stone Spring Road at I-81. Street Superintendent Baker commented that the comprehensive land-use plan, the VDOT HAT study and previous street plans were used for planning the Major Street Plan. Council Member Weaver urged the Council to return the proposal to planners and Planning Commission, after discovering that the proposed extension of Erickson Avenue to Stone Spring Road was to be a minor arterial route instead of a collector street as

indicated in the City's comprehensive land-use plan's transportation map. Vice-Mayor Neff suggested this issue will be addressed at the Public Hearing. Council Member Dingleline requested that Council make a visual inspection of the site in order to understand the plan better. Following further discussion, Council Member Dingleline made a motion to set the Public Hearing for the Major Street Plan on February 8, 1994. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from the Planning Commission meeting held on December 15, 1993:

"...Chairman Wassum read the request for Final Subdivision Plat approval of Park Lawn Subdivision, Section 2, located at the end of Stoneleigh Drive.

Ms. Turner explained that this subdivision is located at the south end of the existing Stoneleigh Drive. She said that there had been minor plat changes requested that consisted of placing the seal and signature of the surveyor on all sheets except 5, 6 and 7, which were the owners consent and dedication, and a notation that designates the location of the center point of the temporary culdesac on Park Lawn Drive. She said that the entire subdivision, consisting of 29 single family lots, received preliminary plant approval in February of 1992. The preliminary approval was extended for an additional year in January 1993. Section 1 received final approval in March 1993. She explained that the previously approved Section 1 consisted of 10 lots and Section 2 consisted of 13 lots. All proposed lots meet or exceed the 10,000 square foot minimum requirement for the R-1, "Single Family Residential" zoning classification. Ms. Turner said that the developer, Mr. Tim Lacy has guaranteed the public improvements with a letter of credit in the amount of \$97,000. Construction plans for this subdivision have been approved by City Staff and the request is recommended for approval as presented.

Dr. Beasley moved for approval. Ms. Whitten seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner explained that this is a request that the Planning Commission consider approval of Final Subdivision Plat, Park Lawn subdivision, Section 2, located at the south end of the existing Stoneleigh Drive. Mr. Tim Lacey is developing the subdivision and has already put some homes in Section 1, which consists of 10 lots and received final approval in March 1993. Section 2 consists of 13 lots, Single Family Residential meeting all zoning regulations. The developer Mr. Lacey has guaranteed the public improvements with a letter of credit in the amount of \$97,000. Construction plans for this subdivision have been approved by City Staff and the request is recommended for approval as presented. Council Member Green made a motion to accept this approval from the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓
City Manager Stewart stated that at the last Council meeting, Council had requested some additional information of the proposed consolidated maintenance facility between the City Parks and Recreation Department and City Schools. Recreation Director Logan explained this capital project would be cost saving since the City already owns the property and neither department would have to seek a site. It has been suggested to coordinate all the departments such as engineering, water and sewer and utilizing all of the schools and Parks and Recreation maintenance departments for the plumbing and masonry work. The City has the funds which were appropriated last year. The School Board will probably use the refund from the bond and fund balance. Following further discussion concerning making some changes in the design of the building, Council Member Weaver made a motion to accept the report as presented, to approve the concept of the consolidation of the maintenance facility, but withhold the approval of the plan subject to further information. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓
Assistant City Manager Baker explained the widening of West Market Street from High Street to a mile past the City limit. This street would become four lanes with ten foot wide sidewalks from Hillandale Park to the middle school. A public hearing was held on November 18, 1993 by VDOT and City Staff for this project. The State is ready to proceed with preparing final plans and acquiring rights of way so the project can be bid next spring. The project could start in the fall of 1995 and possibly be completed in the fall of 1996. The City share of this project would be 2%. Council Member Green made a motion to approve the resolution. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓
City Manager Stewart explained that the Personnel Policy needed some revision. Several sections in this manual have not been updated since its adoption in 1987. Assistant City Manager Baker explained that the format of the manual has changed. Also, the Mission Statement has been adopted and added. Some of the other changes are in the leave policy, sexual harassment policy and a drug free workplace policy. Vice-Mayor Neff requested additional review time until the next council meeting in January. Council Member Dingledine made a motion to delay any Council action on this item until the next meeting in January. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓
A motion was made by Council Member Weaver for the second reading amending and re-enacting Sections 7-4-5, 7-4-6, 7-4-9 and 7-4-26 of the Harrisonburg City Code. The motion was seconded by Council Member Dingledine, and approved with a recorded vote of Council Members present.

✓
A motion was made by Council Member Dingledine for the second reading requesting appropriation of additional \$50.00 for Water and

Sewer Petty Cash. The motion was seconded by Council Member Green, and approved with a recorded vote of Council Members present.

Council Member Weaver made a motion to approve adoption of ordinance enacting chapter 4 of title 13 of the Harrisonburg City Code for a first reading. The motion was seconded by Council Member Dingledine, and approved with a recorded vote of Council Members present.

At 8:40 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Wanda Ryan
CLERK

Robert Heath
MAYOR

ROEGULAR MEETING

JANUARY 25, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Ken Huffman representing Phibbs, Burkholder, Geisert and Huffman presented to Council a fixed asset report on property and inventory control system. This project involved over two years and 2,000 man hours to complete. This report is a summary by departments that totals 69 million dollars of fixed assets. Throughout the entire project a \$500 dollar figure was used in terms of personal property. Any asset less than \$500 dollars was not counted. The numbers are based on historical cost, or an estimate developed by back dating current values to the construction date. These numbers are as of June 30, 1993, any fixed asset that has been purchased or constructed by the City since June 30, 1993 are not included in this report. It has been necessary in the past for the opinion of the independent auditor to be qualified. As of June 30, 1994 these fixed assets can be booked based on the schedule and Council should receive an unqualified opinion from the C.P.A. firm. The system that is in place assumes various Department Heads will on an annual basis update and exclude items that have been demolished, traded, sold, disposed of and add items that come in. The Purchasing Agent will code items as fixed assets and these will be updated into the system. Mayor Heath thanked Mr. Huffman for all the work on the report. Council Member Dingledine offered a motion for acceptance of the report. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Mayor Heath presented the following resolution for Council's consideration of approval:

WHEREAS, the Harrisonburg City Council deeply appreciates the people of the Harrisonburg community; and

WHEREAS, the Harrisonburg City Council accepts its responsibility in guiding and supporting the people of Harrisonburg; and

WHEREAS, the Harrisonburg City Council understands that a City's "Downtown" can provide a wealth of opportunities for its citizens and for others - a place

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for their business and pleasure, as well as a place for social interaction and cultural enjoyment; and

WHEREAS, Downtown, Harrisonburg is in a state of continuing change as new institutions, professional offices and specialty shops locate here; and

WHEREAS, the Harrisonburg City Council recognizes the importance of the vitality of Downtown Harrisonburg as an anchor for City's future:

THEREFORE, BE IT RESOLVED that the Harrisonburg City Council expresses its support for continued and expanded efforts toward Downtown revitalization through the formation of an ad hoc committee representing Downtown property owners, businesses and organizations who will identify avenues of opportunity for the City's Downtown and who will recommend to the Council actions that will secure the Downtown's vital future.

ADOPTED this the 25th day of January, 1994.

Mayor

✓ Mayor Heath explained that the proposed resolution is for the formation of an ad hoc committee for downtown revitalization. Some of the problems have been the lack of a cooperative effort to bring all the different groups together. This resolution would allow the Mayor and the City Manager to work with interested groups to create an ad hoc committee to try and determine the needs of downtown to improve it. Council Member Weaver offered a motion for approval of this resolution. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council. Vice-Mayor Neff recommended representation from the Planning Committee on this ad hoc committee.

✓ City Manager Stewart explained the Retail Merchants Association is requesting closing the shoulders of Court Square on April 30 for an Arts and Craft show. A special events permit application has been mailed to the Retail Merchants Association. A member of the Association mentioned the date has been changed to May 7. The street will be closed from 6:30 a.m. until 5:30 p.m. Following further discussion, Council Member Weaver offered a motion to close a portion of Court Square providing the same regulations followed last year are met and approved by the City Manager. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on January 19, 1994:

"...Vice Chairman Rexrode asked the Planning Director to present the request for final subdivision plat approval of Blue Stone Hills. Ms.

Turner explained that this was a request for final subdivision plat approval of Blue Stone Hills, Section 5, Lots 1-24. She explained that this subdivision was brought before the Commission in January of 1993 and at that time the concept presented, a self contained loop road, did not meet City standards. This was approved provided details could be worked out with staff. Because of concerns from staff, the request was brought back to the Commission in March of 1993. Ms. Turner said that at that time she pointed out that there were street design considerations that could not be worked out with staff because they did not meet minimum City standards. Concerns were street width and the lack of curb and gutter. At that time, it was recognized that several variances for street design and construction were required. As the subdivision ordinance states that subdivision requirements can be waived by Planning Commission, Planning Commission gave a general approval of the preliminary plat with the understanding that construction plans had to be approved by staff prior to requesting final plat approval. Construction plans have been submitted by CHM&N but have not yet been approved. The staff cannot approve the construction plans as the streets do not meet our City standards. She explained that there were several other construction plan items of concern but that the major items of concern deal with the streets. City street standards as required by Chapter 6 of the City Code have not been met. As these requirements are included in Chapter 6 of the City Code and not in the subdivision ordinance, they cannot be waived by the Planning Commission and must be handled by variances from City Council. Staff is asking for a recommendation to City Council which would include a recommendation on whether these variances should be granted. She referred to the following memo written by Mr. Dan Rublee, City Engineer, to Planning Commission and read selected portions:

"There are City Standards and general road safety design standards that cannot be approved by Planning Commission since there are no references in the Subdivision Ordinance to these aspects of street design. Therefore, staff asks that Planning Commission refer these plans to City Council for acceptance or denial of the numerous "variances" from standard design being requested by the developer and his consulting engineers.

Specifically, the following items are at issue:

1. Pavement width for the proposed street does not meet the minimum required by VDOT for the inclusion of the street in their maintenance funding program. Street Superintendent Jim Baker has contacted VDOT and was told that this street would not be eligible for maintenance funding. Chapter 6 of the City Code requires that public streets be constructed to meet VDOT standards. The pavement width proposed for this development is 18 feet, while the minimum standard for City local streets is 34 feet between curb faces.

2. The design speed for a City local street is 30 miles per hour (mph). Excluding the tight horizontal curve at the end of the loop, the proposed roadway has a design speed of 20 mph. The tight curve at the end of the loop has a radius of 77 feet, and the minimum radius for a 20 mph design speed is 130 feet.

It is accepted practice to design a street for a speed at least 5 mph greater than the posed speed, to account for higher actual speeds. Accordingly, the maximum posted speed for the proposed street should be 15 mph. Police Chief Harper, who is charged by City Code to post speed limits, is concerned with the safety of the proposed design and he strongly objects to the idea of posting the street at less than 25 mph. If the road is not posted at or below the design speed, it could create liability on the City should an accident occur at the unposted speed of 25 mph. Even if the street was posted for 15 mph, the reality is that motorists would find it difficult to drive that slowly, particularly on the downhill stretches of the street, which are sloped at up to 10 percent. The residential character of this street should

dictate a safe design with adequate sight distance for the protection of its residents.

3. Related to Item 1 above, the street width shown on the plans is 14 feet, with an additional 4 feet of paved surface depicted as a "path". This total width of 18 feet is the absolute minimum required by City Code for a fire lane. Therefore, no on-street parking will be allowed along this street. Though the developer will be required to install "no parking" signs along the length of the street, and the plans indicate construction of 26 parking spaces in random locations adjacent to the street (for 24 lots), staff continues to be concerned about the possibility of emergency vehicles being blocked by overflow parking during social events."

Ms. Turner concluded by saying that staff is recommending that the subdivision not be approved, as was recommended for the preliminary plat, but a recommendation is needed from the Planning Commission.

Mr. Stewart asked if Mr. Copper had been approached about considering this as a private street since it comes far short of City standards. Ms. Turner explained that it had been discussed but she was not sure what the developer's final position was. Mr. Stewart explained that because this is so far below what the current City standards are, he has a real concern accepting this in the name of innovative design. He said that this would also set a very bad precedent.

Ms Turner said that if it were to become a private street then the developer would be responsible for snow removal and any types of maintenance and not the City. The loss to the City for maintenance per year is approximately \$3,200 from VDOT and that although this is not a large amount of money it could set a precedent that the City would accept streets that don't meet City standards.

Mr. Stewart said that the topography of the area is unusual but that doesn't place an obligation on the community to spend more money there than for other areas of the City.

Mr. Dan Rublee added that the issue about the parking, in discussing a public versus a private street, is really a function of the width of the street. If it were a private street you would still have potential for problems for emergency vehicles if there was parking on the road.

Mr. Homan said that he would like to see different ideas but he is also concerned with changing the City standards.

Mr. Rexrode asked for an answer to the question of whether a private street is acceptable to the developer. Mr. J. R. Copper said that the design of this street meets all state requirements in that basically they are designing a 36 foot street not an 18 foot street. He stated that treating this as a two way street is a misnomer because a city street is 30 feet of pavement with 4 feet of gutter. In addition to the lane widths that are being proposed, we are putting parallel parking spaces in groups of 2 and 4 all the way around the outside perimeter of the property and off street parking will be addressed on the lots themselves in that they would require 4 spaces per household.

Mr. Rexrode said that at the March meeting, an advantage that was discussed was that you wouldn't have to cut and fill so much because of the width, but when parallel parking spaces are put in, you will have to cut and fill. How is that different from putting a street in?

Mr. Copper referred to a sketch and described the plans for cut and fill and said that the same thing is being accomplished by putting the cut and fill slopes in the median area. He said that if they take the same width of pavement, 36 feet, and put approximately 50 feet of cut and fill in that median, rather than on the outside of the street,

the grades into the houses and location of the houses, and the driveway access is facilitated by this plan versus coming down over the side over a fill slope or up the bank of a cut slope. Mr. Rexrode asked what was the width of the street plus the parallel parking spaces. Mr. Copper said 26 feet.

Mr. Rexrode asked for clarification of the City's objection. Mr. Stewart said the City's objection was the width of the street and not having curb and gutter. The one way street is a concern but not a primary concern. Mr. Copper said that there will be 18 feet of pavement plus an additional 8 feet of parking area spaced throughout the project, not continuous. After being questioned again about a private street, Mr. Copper stated that a private street was not feasible with the limited number of houses and no easy way to restrict the public from use of the area. Due to the small number of lots a manned gate house could not be provided. There was general discussion of electronic gates and gate houses. Mr. Copper said that he felt that the maintenance of the street was not a major problem and the median strip would be owned by the homeowners association.

Mr. Rexrode questioned the authority of the Planning Commission and asked if they needed to take action or could this be sent to City Council without a recommendation on the variances, asking if City Council wants to waive these things. Ms. Turner said that Planning Commission does not have any authority on these issues but they could make a recommendation on whether or not these things should be granted variances. She said that Planning Commission does not approve a final plat; a recommendation is made by Planning Commission to City Council to approve a final plat.

Mr. Homan asked is there was a width from the City stand point that would keep the concept of the single road and make the City comfortable as well. Mr. Rublee said the width issue is not up to City staff, it is an issue of who will provide maintenance. Ms. Turner added that City staff has received word from VDOT that this does not meet state standards.

Mr. Copper said that because of the topography, this is the only way to design this area.

Ms. Turner said that she had asked Mr. Valenti, from VDOT if there were other areas in the state that have streets which don't meet urban road standards but receive maintenance funds as Mr. Copper believes there are. Mr. Valenti said that he could not think of any. He said that there are areas that have private roads and some streets like Westmoreland Drive that don't meet urban standards but receive funds because they were annexed.

Mr. Copper discussed other issues such as maintenance costs, real estate taxes and present parking situations in the City of Harrisonburg. This half mile of road would be low traveled and low maintenance. He questioned whether a private street would be allowed in a R-3 zone.

After questions Ms. Turner clarified that the \$3,200 would be the maintenance funding received from VDOT. Questions were raised over whether the residents of the subdivision would be willing to provide this amount of funds yearly. Ms. Whitten questioned if this were the case, why shouldn't they just maintain the road. Also if this was a private street, why would a gate be needed? Mr. Copper said because all of the public would be in there. Mr. Stewart reminded Mr. Copper that he had stated earlier that the street would not have much traffic.

Mr. Copper stated that this had been before the Commission two times before and that he thought that they had an agreement. He felt the development would be an asset and that there are a few other unique

areas where it would be applicable, but that he felt it would not set a precedent.

Ms. Turner reminded the Commission that there was still the issue of the speed and safety problem that needed to be addressed and had not been given much consideration. Mr. Copper said that this is a short section of street and this is a 15 mph neighborhood and that he believed that it would not be a problem.

Dr. Beasley said that he didn't see any difference between this and Forest Hills, with which he saw no problems, and moved to approve. Mr. Neff seconded. Mr. Homan called for question. Dr. Beasley voted aye. Mr. Neff voted aye. Mr. Homan voted aye. Paul Rexrode voted aye. Mr. Stewart and Ms. Whitten voted no.,.,,"

Respectfully submitted,

Stacy Turner
Planning Director

City Manager Stewart commented several Staff members are in attendance because of the concern about the number of things in this request that does not meet certain standards. Planner Director Turner explained that this was a request for final subdivision plan approval of Blue Stove Hills, Section 5, Lots 1-24. This subdivision was brought before the Commission in January of 1993 and at that time the concept presented, a self contained loop road, did not meet City standards. Concerns were street width and the lack of curb and gutter. Also, several variances for street design and construction were required. Staff could not approve the construction plan with the street as requested because only City Council can approve these variances. There are some easement and bonding concerns that still need to be worked out with the developer. Planning Director Turner explained there are three items of concern which have been highlighted by City Engineer Rublee: (1) Pavement width for the proposed street does not meet the minimum required by VDOT for the inclusion of the street in their maintenance funding program. Chapter 6 of the City Code requires that public streets be constructed to meet VDOT standards. The pavement width proposed for this development is 18 feet, while the minimum standard for City local streets is 34 feet between curb faces. (2) The design speed for a City local street is 30 mph. Excluding the tight horizontal curve at the end of the loop, the proposed street has a design speed of 20 mph. Police Chief Harper strongly objected to the idea of posting the street at less than 25 mph. (3) The street width shown on the plans is 14 feet, with an additional 4 feet of paved surface depicted as a "path" used for jogging and biking. Fire Chief Shifflett had some concern about the possibility that cars or other vehicles parked along the street would hinder fire trucks from getting to emergencies. The Fire Department needs sufficient pavement width for movability to response to emergencies. Council Member Weaver commented this land is useless unless some unusual things can be done with it. Engineering consultant J.R. Copper explained that the street more than meets the requirements because it is a one-way street. Mr. Copper stated an average cross section was taken of this property. Mr. Copper described agreements with property owners that they must provide at least four off-street parking spaces and there will also

be pull off areas to accommodate some parking along but not on the street. Also, there will be a cross-over provided on the street. The median will not be included in the right-of-way and will be maintained by the property owners association. Mr. Copper stated that the Planning Commission felt like the development fits the topography and not the topography fitting the development. In answer to Mayor Heath question about the state's minimum design width of 34 feet what is required for a one-way street, Mr. Copper stated the state's subdivision ordinance allows 18 foot two-way streets in the subdivision. Planning Director Turner noted certain variances Council is asked to approve, the street width, lack of curb and gutter, turn radius, length of cul-de-sac and speed design. Following further comments from Mr. Copper, Vice-Mayor Neff made a motion to accept the recommendation of the Planning Commission and approve this request to grant the stated variances due to the severity of the topography and to give Staff the capability to review and approve easement and bond requirements, subject to their approval. Council Member Weaver stated Staff should be commended for bringing all of these things to mind and hope in every case that this is done. Council Member Weaver stated she was supporting these variances because we have to find a creative way to use this hilly land that we are given. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on January 19, 1994:

"....After discussion on the request of R. S. Monger and Sons, Inc., to amend the Comprehensive Plan's Land Use Guide the Planning Director suggested to the Planning Commission that a fee of \$100 be considered for requests to amend the Comprehensive Plan. She explained that this fee would help cover advertisements for Public Hearings for the Planning Commission as well as City Council and any postage costs.

Mr. Homan moved to recommend to City Council to establish a fee of \$100 for requests to amend the Comprehensive Plan. Ms. Whitten seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

✓ Planning Director Turner explained that the Planning Commission recommends establishment of a \$100 fee for requests to amend the Comprehensive Plan. This fee would help cover advertisements for Public Hearings for the Planning Commission as well as City Council and any postage costs. Several Council Members suggested the fee should cover the cost of advertisement. Planning Director Turner will research the average cost of an advertisement and provide Council with this information. No action will be taken at this time by City Council.

✓ City Manager Stewart explained Council had directed the City Manager to solicit proposals to prepare a pay plan and

classification study of all the City's departments. The firm of Municipal Advisers, Inc. of Virginia Beach is being recommended to Council to conduct this compensation and classification study. The proposed fee of \$19,950 will cover all of the work which will begin in February and should take 120 days to complete. The fee will come out of this year's budget from the Reserve for Contingencies. Council Member Green made a motion for the City Manager to execute this agreement for the Compensation and Classification Study. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion authorizing City Treasurer Miller to charge off delinquent accounts involved in 1993 business licenses, 1989 personal property, 1990 personal property and outstanding checks from several banks. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Council Member Dingleline offered a motion to approve adoption of ordinance enacting chapter 4 of title 13 of the Harrisonburg City Code for a second reading. The motion was seconded by Vice-Mayor Neff, and approved with a recorded vote of Council.

✓ Assistant City Manager Baker explained that the revised City's Personnel Policy Manual was reviewed at the January 11 meeting. The revised Personnel Policy Manual has been reviewed by all Department Heads with several revisions being made over the past few months. The most significant changes are in Section V. The first is in Section 5.3 Holidays and is the changing of the Employee's Birthday with the Day after Thanksgiving. The second is Sick Leave Payment at Separation which increases the maximum amount to \$5,000.00 which will match the State Policy. The third change is Shared Leave which is a new addition allowing an employee in a catastrophe illness situation being able to receive accumulated leave from another employee. Vice-Mayor Neff made a motion to approve the Personnel Policy Manual as amended. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that at the end of the last budget year Council appropriated funds for several projects into a reserve fund. The request for appropriation of Capital Projects Funds is not an appropriation of new funds, but funds carried forward from fiscal year 1992-93. The first project is for Peach Grove Avenue construction which over-ran original estimates. The major over-run was unsuitable soil, which was replaced with select fill material. This material was encountered in the late fall and early winter of 1992, which was a wet season. Due to time constraints to open the elementary school, the wet (unsuitable soil) was replaced by select fill material purchased from local sources. The second project is for the Bruce Street Bridge replacement. This bridge project is part of the City's bridge rehabilitation project. This project has been bid and will be on the agenda February 8th requesting Council approval of the contract. Total amount of the re-appropriation is \$393,000.

Vice-Mayor Neff made a motion to approve the appropriation of 1992-93 Reserve for Capital Projects Funds for a first reading. The motion was seconded by Council Member Dingleline, and approved with a recorded vote of Council.

✓ Council Member Dingleline mentioned several citizens had asked the question if the Taxi's are sold, would the Disability Act remain the same. City Manager Stewart replied that the City would do whatever the law required, but did not have a specific answer at this time. At the retreat which will be held January 28-29 this issue will be addressed by Transportation Director Reggie Smith.

✓ City Manager Stewart has received a request from Dayton Learning Center asking Council to endorse an application for Adult Basic Education to be taught in the Harrisonburg-Rockingham Joint Judicial Center. This grant would come from the state. Vice-Mayor Neff offered a motion to endorse this request. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart commented that he had a request from an individual to use a metal detector at Stone Spring School Elementary, believing it might be a civil war battlefield. This request has been discussed with the City Attorney. Following further discussion. Council Member Weaver made a motion to grant permission to search providing any kind of major earth movement has to be cleared by the City Manager's office. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart suggested a field trip for the Major Street Plan on February 2 at 2:00 p.m. Transportation will be provided to the site. Several Council Members will be taking the field trip and the others will re-arrange another date to visit the site.

Council Members Green commented the library has requested that Council be made aware the library is in need of a computer center. This will not be included in the budget. It was mentioned the library is forming a planning group for a library addition located in downtown.

At 9:14 p.m. Council Member Dingleline offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to Harrisonburg Transportation Safety Commission and the Building Code Board of Appeals, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consultation with the City Attorney and briefings by Staff Members pertaining to two (2) proposed contracts and one (1) existing lease agreement, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved with a

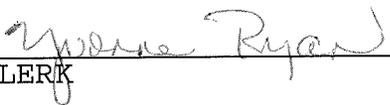
unanimous vote of Council.

The Harrisonburg Transportation Safety Commission does not require an appointment since it is only necessary to have four citizens represented and two City employees. This will be mentioned in the article City Hall Update printed each month in the Daily News Record by Charlene Rice.

At 10:22 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

Council Member Weaver offered a motion that Steven Hottle, 267 Campbell Street, be appointed to a first term on the Building Code Board of Appeals to expire on November 30, 1998. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

At 10:25 p.m., there being no further business and on motion adopted the meeting was adjourned.



CLERK



MAYOR

REGULAR MEETING

FEBRUARY 8, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Council Member Dingledine offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ At 7:32 p.m. Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on Monday, January 24, 1994 and January 31, 1994.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 8, 1994, at 7:30 P.M. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the proposed Major Street Plan. The purpose of the Major Street Plan is for an efficient, effective transportation system, lessening congestion and providing for more efficient traffic movement in the future.

For additional information, contact 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 the Public Hearing.

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

Steven E. Stewart, City Manager

Mayor Heath requested anyone present desiring to speak in favor of or against the Major Street Plan to limit their time to three minutes. Also, anything that has been said before should not be repeated again tonight. City Manager Stewart explained the Major Street Plan projects for the next 20 years what the major transportation needs are for the City. During the City's history this plan has been looked at a number of times and will be in the future as conditions change and actual design work is done on the proposed streets. Period updating needs to be done on the plan so that it reflects both current situations and also tests assumptions that were made with past versions of the Major Street Plan. City Manager Stewart further explained that the staff and Planning Commission understand that every line on the map has some type of impact on individuals, businesses, neighborhoods and the community at large. Every line shifted or removed also has some type of impact on these same groups. Planning Director Turner summarized the suggestions proposed from the sub-committee group, the Neyland Drive extension to West Market Street, South Dogwood extension to Erickson Avenue, Virginia Avenue - proposed four lane from Gay to 5th Street, Erickson Avenue extension from South High Street to South Main Street - then to Stone Spring Road at I-81. Street Superintendent Baker reiterated that the comprehensive land-use plan, the VDOT HAT study and previous street plans were used for planning the Major Street Plan. This has provided a lot of information from a lot of different sources. Once approved, this plan will be a tool for the Street Department in working with VDOT to obtain funding for these projects. Mayor Heath then called on anyone present desiring to speak in favor of the Major Street Plan. Helen Hanson, 1118 South Dogwood Drive, President of the Southwestern Neighborhood Association, stated the neighborhood supports the two recommendation endorsed by the Planning Commission concerning changes in the City street plan in their part of the City, providing the developers are informed they prefer a cul-de-sac at the end of South Dogwood. They request a slight change in the position of the road from Erickson Avenue to Hidden Creek Lane. The residents would prefer the road closer to Garbers Church Road to protect the quality of life in the neighborhood. Mayor Heath then called on anyone present desiring to speak in opposition to the Major Street Plan.

Reg Foucar-Szocki, 1922 Lynne Place, in trying to build opposition against the plan, passed out leaflets receiving calls both pro and con. He presented to Mayor Heath a list of speakers who will be addressing certain issues.

Greg Coffman, 66 Laurel Street, read a prepared statement on behalf of the Concerned Citizens of Harrisonburg. In a matter such as this, when the viability of neighborhoods and the responsiveness of City Council are at question, the taxpayers of the affected areas feel that every effort should be taken to assure the credibility of whatever decisions are made. It is our opinion that every member of Council is dedicated to being as fair and equitable in their deliberations as possible and would do nothing to intentionally jeopardize the legitimacy of their collective or singular actions while serving the City. In light of this, we are compelled to request that Mr. Neff, who is in charge of one of the largest and

most respected construction firms in the area, abstain from voting on this matter or any other similar motion in the future due to a possible conflict of interest.

Cathy McClatchy, 1614 Central Avenue, noted Central Avenue is a R-1 neighborhood having no sidewalks and with cars having to back out into the street, there is concern about increased traffic into the Pleasant Hill area. Also, Central Avenue residents would like to give support to the Willow Hills subdivision that they remain a R-1 subdivision.

Helene Pettus, 78 Rex Road, stated their involvement dates back to October, 1991 concerning rezoning. Since the Comprehensive Plan has been passed by Council and this is a different road they would like to know where are you going to put this road.

Michael Hoak, 830 Vine Street, presented the City Council a petition of 230 concern citizens opposing the construction of a four-lane limited access highway through prime R-1 residential land close to Willow Hills neighborhood.

Gail Bunderick, Willow Hills, stated her main concern with the proposed street is the water drainage. There is a stream in the back of their property and with heavy rains the culvert cannot handle the runoff and overflow. If water from the proposed road is cultivated down as explained by the Planning Commission, there will be minimum ground absorption and an increase rate of water emptying into an already taxed area. She presented photographs to Council showing the culvert before and after a heavy rain.

Becky Hunter, 1982 Willow Hills Drive, stated three main concerns were funding for this road project, historical preservation and trucks through residential areas.

Lynette Davies, Willow Hills, asked the question why was Council so concerned about the people from Bridgewater and Dayton getting to the Valley Mall. It seems like our neighborhoods will be destroyed in order to support the people of the county. Also, she wanted to know if any landowners were consulted or present during the times the discussions were held where to place this road.

Kristen Shrewsbury, Willow Hills, speaking on behalf of the youth of the neighborhood was concerned about the absence of sidewalks in the neighborhood and younger children having to cross this street. She suggested the City and county work together to build an outer loop around the City.

Boward Heatwole, 915 Willow Hills Drive, objected to the placement of the road bordering Willow Hills Estates and through the center of prime R-1 and R-2 future growth residential area. This will result in the loss of approximately 52 building lots, not including side street developments, therefore, depriving the City of future income on this development.

Janet Cowger, Virginia Avenue, noted she is opposed to modifying Virginia Avenue. Changing Virginia Avenue from two-lanes to four-lanes will destroy the character and nature of the neighborhood, endanger the children by increasing vehicular speeds and proximity, and devaluing the property along the route.

Saul Harris, 507 Virginia Avenue, presented the City Council with a petition of 130 names. Mr. Harris feels like the residents did not have sufficient input into these plans. The residents have some major concerns about these issues and must be given

consideration prior to a final decision on the project.

Jim Hoak, 450 Pear Street, after reading the Comprehensive Plan was glad to see someone is looking down the road to the future. Also, noticed that Pear Street extension has a low priority. He suggested the City take a little more time to study this project and to consider the outer loop.

Steven Blatt, 755 South Dogwood Street, stated the Erickson Avenue extension from I-81 to Garber Church is a road that has missed its point in time. The area will be developed by the time the road becomes a reality. The City should not give any business located in this area another excuse to move its business to Rockingham County.

Diane Foucar-Szocki, 1922 Lynne Place, noted the argument is moving traffic from location to location and the proposed road is not progress. A City is made of good people and there must be another alternative. When you have good people and good minds working together, they can do good things to keep Harrisonburg a good place to live.

Dan Brubaker, 150 West Mosby Road, stated he would like to encourage the City Council and county to put in an outer loop so the trucks can go around town and not through town. He is opposed to the current alternatives, one which will go through his front yard.

George Weed, 1048 South Dogwood, stated he has only lived in Harrisonburg seven years and is speaking against the whole concept of the plan. Once he moved to Harrisonburg he discovered I-81 was a financial issue. He has attended some of the Planning Commission's meeting and learned some of the businesses will be affected by this road. He has a concern that there is an apparent desire to uglify this town. Everyone would feel better if they felt like this plan was not a done deal.

At 8:37 p.m. there being no others desiring to be heard the public hearing was declared closed and the regular session reconvened. Mayor Heath reminded everyone Council may or may not act on this plan tonight, but Council really appreciates the public input on this matter. City Manager Stewart explained that the Planning Commission studied and deliberated very carefully on the recommendations, established a sub-committee made-up of Planning Commission members, Citizens and Staff members. The Planning Commission spent the majority of time on studying several problem areas with Erickson Avenue receiving the most attention. Council Member Weaver offered a motion to accept the Major Street Plan with the exception of the connection street between Highway 42 and Route 11. She recommended developing it as a collector street and follow the existing Pear Street-Mosby Road route. This motion failed for lack of a second. Council Member Dingledine offered a motion to send the plan back to the Planning Commission for re-study to consider the other alternate routes. She stated there must be other alternatives rather than going through a residential section. The motion was seconded by Council Member Green, and approved with a recorded vote of Council with one abstention by Vice-Mayor Neff. Vice-Mayor Neff issued a statement concerning the issue on conflict of interest, as raised by Greg Coffman in his statement during the public hearing. Vice-Mayor Neff stated in his position relating to

Council and the Planning Commission he has taken his responsibilities very seriously and always consulted the City Attorney and other individuals for an opinion on a conflict of interest. But, with the concerns addressed this evening on the Major Street Plan, Vice-Mayor Neff will abstain from voting at this time.

✓ City Manager Stewart explained that the John Wesley United Methodist Church has requested an adjustment on its water and sewer bill for November 1993. During the months of August, September and October the monthly rate was \$26.32, but during the month of November the rate was \$228.24. Following further discussion, Council Member Weaver offered a motion to adjust this water bill including the late penalties. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that the joint maintenance facility has been before Council several times. This joint facility is planned to be used initially by the Parks and Recreation Department and the School Division, but will be considered for possible use by Central Stores at a later time. The estimated total cost for this facility is \$513,430, but no new funds will need to be appropriated in order to construct this facility. The City's Parks & Recreation Department method of financing is \$61,000 encumbered from last year and the remaining \$144,372 from P&R Revolving Fund revenue. Funding of the building for the school division will include use of the \$78,612 VPSA school bond refund with the remainder coming from School Board's unappropriated fund balance. Parks & Recreation Director Logan commented Council had requested additional information concerning the sketch which includes the common areas and the restroom facility. It is the opinion of Parks and Recreation Department that these areas remain unchanged with the same amount of working space and restroom space. Council Member Weaver had some concern about the expense of four bathrooms for 17 employees. Vice-Mayor Neff suggested a central entrance to the building for personnel, would provide access to the restrooms off the central area and could possibly reduce the cost of the restrooms. Following further discussion, Council Member Weaver offered a motion to approve the appropriation for the project and the first reading of the funding with the exception that the restrooms be consolidated. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart explained that the resolution before Council was to participate in 1994 Spring Bond Sale to the Virginia Public School Authority. This is a request for the application to be filed. The City could still withdraw its support up until mid-March. The estimated debt service for the first year (1994-95) is \$410,000. It will be very difficult for the City to incur this amount of debt with the current revenue levels. \$410,000 equals about 3 cents on the real estate tax rate. Council Member Weaver offered a motion for approval of the resolution to make application

with the clear understanding that this is not an approval of the bonds. The motion was seconded by Council Member Dingleline, and approved with a recorded vote of Council with one abstention by Vice-Mayor Neff. Council Member Green suggested that school officials look hard and deep to help the City find some of this money. City School Officials should be able to come up with some of the payment out of a 20 million dollar budget through a cooperative effort. If a penny here and there were saved, Council will not have to go to 6,000 people and raise real estate taxes. Council Member Green reminded school officials that Council and the citizens of Harrisonburg have been bending over backward to help the schools.

✓ Council Member Green offered a motion granting Valley Playhouse's request to display across South Main Street within the Central Business District, a banner from April 1, 1994 to May 1, 1994. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that at the last Council meeting a request was made by the Planning Commission to establish a \$100 fee for requests to amend the Comprehensive Plan. This fee is needed to provide for advertisement and postage. These advertising costs range from approximately \$225.00 to \$295.00 per request. In addition, approximately \$4.00 per request is used for postage which brings the total cost to the City, per request, to approximately \$229.00 to \$299.00. Because this will be amending the zoning laws, a public hearing will be required. Council Member Weaver made a motion to set a public hearing for the purpose of considering these fees. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Vice-Mayor Neff offered a motion to award a contract to D.L.B. Company for Bruce Street Bridge reconstruction. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Council Member Weaver moved that a supplemental appropriation in the amount of \$393,000.00 requested by Street Superintendent Baker for maintenance repairs and work in progress be approved for a second and final reading, a first reading having been approved on January 25, 1994, and that:

\$289,583.00 charged to: 1000-410241-43372 Maintenance Repairs

\$103,417.00 approp. to: 1000-410241-48295 Work in Progress

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

Cathy McClatchy expressed her concern to Council concerning a situation with trains stopping a long time on certain streets. She explained that for the past two Friday afternoons, the train has stopped at Maryland Avenue and Central Avenue for 20 minutes and 15

REGULAR MEETING

FEBRUARY 22, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Vice-Mayor Neff offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on February 16, 1994.

"....Chairman Wassum asked the Planning Director to explain the referral from City Council to again review the Major Street Plan. Ms. Turner explained that on February 8, 1994, City Council referred the Major Street Plan back to Planning Commission for special consideration of the Erickson Avenue Extension. She said that Planning Commission had reviewed this in October, 1993 and had at that time formed a Citizens Committee to meet and review it. There were neighborhood group representatives, staff and Planning Commission representatives appointed to this committee. There were some compromise arrangements and agreements resolved, however one major area of contention not resolved was the Erickson Avenue extension. Ms. Turner said that the committee returned to Planning Commission and discussed several alternatives at the December meeting. Included in this review were improvements to Pleasant Hill Road, existing Pear and Mosby Road, as well as the alignment which had been proposed by staff and recommended in the Comprehensive Plan. She said that as a result of the meetings and considerations, Planning Commission decided to recommend to City Council the adoption of the Major Street Plan with the amendments made by consensus with the committee and with the addition of the #1 route for the Erickson Avenue connector. Ms. Turner explained that included in the agenda packet was a memo from Dan Rublee to Steve Stewart, in response to resident's questions. The Planning Director introduced Mr. Wayne Woodcock, representative from VDOT, and said that he will be talking about the methodology VDOT uses when doing proposed transportation plans for communities. She said Mr. Woodcock has been working with the City very closely on the HATS Study and the Major Street Plan is included in the HATS Study.

Mr. Woodcock, representative from VDOT, said that on these studies they first collect existing data so they can establish what the conditions are to date. He said that they collect data on the roadway, the number of lanes, pavement width, shoulder widths, average operating speeds, signal data, turn lanes and other miscellaneous data to use in the study. They also do traffic counts at the peak hours, turning movements, count traffic volumes entering and leaving the study area, and time and delay runs to determine existing delays. Safety related items reviewed are accident history, geometric problems, safety hazards on the roads, surveys to determine the origin and destination of travelers and home interview surveys to gather information on trip making and employment. Data gathered for future conditions would include projects committed and future land use for 2015 that would include population, dwelling units, vehicle ownership and employment.

Mr. Woodcock said the next step is to develop the transportation model utilizing all information. The purpose of the model is to determine the impact on the future transportation system so solutions can be developed. The 1989 trips from the land use information is assigned to the network and results compared to actual traffic on roadways to date. This eventually duplicates what is occurring to date. At that point they refer to future land use and put the 2015 land use into the model and determine where the deficiencies will result. They then test what deficiencies result based on existing roadways to date and 2015. He said that in Harrisonburg there were a lot of deficiencies so alternatives needed to be tested. The first alternative to be tested was the Comprehensive Plan. This had deficiencies, so additional improvements were needed for that. After looking at alternatives, alternative #4 was then presented to the locality. After concerns were discussed at the local level about some of these proposals, alternative #5 was proposed. With the final alternative, an environmental assessment is done to determine if there is any potential impacts involved that would preclude doing a particular recommendation. A cost estimate is then done to see how much it will cost to do the improvements and the next step would be the public participation phase. He said the study would then be completed and a map would be provided.

Mr. Woodcock described on a map the Erickson Avenue extension. He said that they ran the existing model without any improvements and it showed an impact on Pleasant Hill Road. He explained that it showed that there was a demand for traffic to go from east to west and some of the problem was the geometric involved, i.e., a narrow one way railroad underpass. He said that linking up the four lane segments on either side is an opportunity to remedy the geometric problems. We felt it was better to take care of these geometric problems and reduce the impact on the residential area. He explained that the yellow area on the map is the area they have to work within and still be in the City corporate limits. If the road is moved to the south it would not carry as much traffic and there would still be the problem of traffic coming from Pleasant Hill Road. He explained that the move south would also go through the county and it would than no longer be a city project.

Mr. Neff said that if the loop road develops it still does not answer or address east/west traffic problems. Mr. Woodcock said the loop road would serve north/south and the extension would serve east/west. Mr. Neff asked if it would be feasible that the east/west corridor be developed as a 2 lane roadway and expanded to 4 lanes when traffic demand warranted. Mr. Woodcock said that is a feasible option.

Mr. Cook asked which route would be most cost effective. Mr. Woodcock said, "He would think the original route." He said that he is familiar with the City's Engineering studies regarding the comparison of the three routes and has no problems with the solutions they came up with.

Mr. Rexrode said that, assuming the original alternative would be approved and the City would request that road be included in VDOT plans, what is the earliest that road could be built? Mr. Woodcock said that because it would take several years to get into the six year plan it could take between 10 and 15 years to actually build.

Ms. Whitten asked what kind of an impact would be seen due to the deficiencies created by not having that road. Mr. Woodcock said that there would, through time, be a tremendous amount of traffic use on Pleasant Hill Road.

Mr. Stewart said that's why this is a 20 year plan, its not for tomorrow.

Ms. Whitten asked, "What was the relationship between the study period time and the construction project on Port Road? Was that well before the construction project on Port Road? Are we seeing impact in

this area because of traffic detouring from that?" Mr. Woodcock said the study began before Port Republic Road was under construction. He also said that the data was collected after schools were in session.

Dr. Beasley asked what would be the impact on property owners who have property that lies within option #1? What could they do with the land and would the City offer them a reasonable return on their property? Mr. Woodcock said that sometimes it works to the property owners benefit but that he really didn't have an answer for that. Mr. Stewart said that when the road is built, the city or state would pay fair market value for the property.

Ms. Turner explained that if there was a significant development proposal for that area presented before street construction was scheduled then they would try to work with the developer to give a more specific street alignment. At that point there could also be a cost participation worked out between the developer and the city. She said that anyone developing on the interior of that property will need to get a street to it. All the streets can't come from existing neighborhood streets, there would have to be some connections to other existing streets through there. Mr. Stewart agreed and said that the city would work very closely with the developer to try to coordinate the development with the projected alignment. He said that unfortunately, when plans like this are developed, you can't go out the next day and build every road on the plan and put everyone mind at ease at one time. It takes one step at a time. Dr. Beasley asked, "If the City Council decided to go with route #1, does that mean that this decision is in concrete". Mr. Stewart answered, "no". He said that he had addressed the public at the City Council meeting and had said that this plan would be updated periodically, it was not set in stone. He said that as conditions change and you test assumptions that look appropriate today; five years down the road those assumptions may turn out not to be the same. Mr. Stewart said that at this point this is a conceptual plan. We are not designing streets, only trying to get a basic corridor. Mr. Woodcock said that at this time it is identifying a need and that it may change as much as a couple of thousand feet one way or the other.

There was discussion with Mr. Woodcock in regards to environmental, soil, topography, and proximity to neighborhoods. Mr. Neff said that he felt all views had been addressed. Mr. Stewart said that alternative #1 is the area that makes the most sense at this point, given the limitations of this narrow corridor and trying to give assurance to the adjacent property owners that this road would not come any closer than approximately 300 feet from the nearest dwelling unit in the Willow Hills Subdivision. Beyond that, when and if the time comes to build the road, the conditions would have to be assessed at that point.

Mr. Neff said that he would like to have consideration be given that a plan be put forth that it be built initially with 2 lanes pending traffic volumes and studies. Mr. Stewart said that after talking to staff, he didn't feel that it was a problem to do that.

Mr. Neff moved to approve the Major Street Plan as presented with Option #1, with the inclusion of a suggested phasing of the initial construction be 2 lane with future being 4 lanes. Mr. Rexrode seconded.

Mr. Rublee said that in regard to the 2 lane/4 lane suggestion, it's possible that you would look at some additional money for the total project. Mr. Neff said that a study would need to be done to consider that as an option. He only asked that consideration be given to potential phased construction pending traffic needs, etc.

Mr. Neff was asked to repeat the motion. Mr. Neff said that he moved for approval of the Major Street Plan as presented with Option #1, with the consideration that planning be done to study the potential

if warranted. Proactive planning does not take existing routes and convert to greater volume, but allows for planning for roads in undeveloped property and sets tone for developers to follow. We do need an east-west road to supplement traffic that will develop. It will to our ("The City") - detriment if such an opportunity to comply with citizens direction to be proactive is missed." Mayor Heath suggested handling one motion at a time. Vice-Mayor Neff offered a motion for the Major Street Plan to be approved as presented with the exception of the street extension between South High Street and Stone Spring Road. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council. The second motion proposed by Vice-Mayor Neff was that a special committee of Mayor C. Robert Heath, and his appointments of two representatives from the Planning Commission, Vice-Mayor Neff, Planning Commission Robert Beasley and residents of the Willow Hills neighborhood and Mosby Road and Pear Street area should give the road further study. The committee is to work for a compromise that will satisfy residents and the City's need for the road. Vice-Mayor Neff recommended that the study be for a period of 30-45 days. The committee will report its findings to the Council for final action. Council Member Green suggested residents would like to be reassured that this proposed route will not be a heavy truck route nor destroy existing homes. Residents would like to see some preliminary design so they can understand what the City is going to do. Council Member Green also suggested the need, location and design should be addressed so everyone understands what the City is doing. Following further discussion, the motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented the following resolution for Council's consideration of approval:

WHEREAS, the School Board of the City of Harrisonburg, Virginia (the School Board) has requested the City Council of the City of Harrisonburg, Virginia (the City Council) to call for a public hearing on the question of contracting debt and issuing general obligation school bonds to the Virginia Public School authority for certain essential capital projects for school purposes, including, but not limited to, Waterman Elementary School and Thomas Harrison Middle School;

NOW, THEREFORE, be it resolved, that the City Council of the City of Harrisonburg, Virginia, hereby call for a public hearing on this issue at 7:30 p.m. on March 8, 1994, and, further, hereby directs and to the extent necessary or desirable approves and ratifies the giving of such appropriate notices and any other acts as may be required by law to consider the issuance of up to \$4,250,000 in general obligation school bonds of the City to the Virginia Public School Authority to provide financing for essential capital projects for school purposes in the City.

Dated: February 22, 1994

Mayor, City of Harrisonburg, Virginia

ATTEST

Clerk, City Council of the City of
Harrisonburg, Virginia

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia, hereby certifies the foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Harrisonburg, Virginia, at a duly called regular meeting.

Date: February 22, 1994

Clerk, City Council of the City of
Harrisonburg, Virginia

✓
Mayor Heath explained that the proposed resolution is for a public hearing on issuance of up to \$4,250,000 in general obligation school bonds. Council needs to consider whether or not to establish a date for a public hearing in order to meet the schedule for the bond sale. The public hearing date should be set for March 8, 1994, followed by the first reading of the bond resolution and then the second reading of the bond resolution on March 22, 1994. On March 22, 1994 Council will make a final decision as whether or not to proceed with the bond sale. Council Member Dingledine advised Council she would not be able to attend the March 22 meeting and asked how many votes are required to pass this resolution. Mayor Heath stated Vice-Mayor Neff will abstain from voting on this issue. Council was advised there must be a majority of members of Council which means three Council Members have to vote in favor of the second reading in order for it to become official. Following further discussion, Council Member Weaver offered a motion to adopt the resolution to set a public hearing to consider the proposed bond sale through VPSA on March 8, 1994. The motion was seconded by Council Member Dingledine, and approved with a recorded vote of Council with one abstention by Vice-Mayor Neff. Since one Council Member will be absent and one will be abstaining on the bond resolution March 22, 1994, Council Member Dingledine offered a motion for Council to hold a special meeting March 14, 1994 at 7:30 p.m. to vote on the second reading of the bond resolution. The motion was seconded by Council Member Weaver, and approved with a recorded vote of Council with one abstention by Vice-Mayor Neff.

✓
City Manager Stewart explained that he had received a request from Farmers' Market for permission to use the full length of the

parking row beside Blacks Run when no longer needed by the Sheriff's Department. Assistant City Manager Baker explained since Council had approved the reconstruction of Bruce Street bridge this will involve a part of the parking deck and parking might not be available beside Blacks Run. Council Member Weaver offered a motion recommending sending this request to the Parking Authority for recommendation. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on February 16, 1994.

"...The Planning Director presented to the Commission the request for Final Plat Resubdivision of Lot 1A, 1B, and Lot 2, Neff Properties, Section 19. Ms. Turner explained that there is a Minor Subdivision Ordinance that allows subdivisions that do not involve new public streets or new water and sewer mains to be handled through administrative approval. One qualification of this is that it would not involve any parcel over 5 acres in area. She referred to page 2 of the plat and said that the parcels presently shown on this plat as Lot 2A and 2B consist of 5.667 acres in area. What is being requested, is an addition of a lot line to create 2 lots out of that 5.667 acres. The lot line between 1A and 1B and 2A and 2B are adjustments of existing lot lines. She explained that on the plat there is a note that says, "Existing lot lines are hereby vacated upon approval of this resubdivision." They are seeking to change that division line and move it approximately 100 feet between lots 1A and 1B. Ms Turner said that these changes in the lot lines between 1A and 1B and between 1A, 1B and lot 2 could have occurred under the minor subdivision process. What could not have occurred under minor subdivision is the creation of the new lot line between proposed lots 2A and 2B because it is over 5 acres. Ms Turner concluded by saying that there is water and sewer service to this property and deeds easement have been submitted, therefore it is recommended for approval.

Chairman Wassum asked for discussion. There was none.

Mr. Homan moved to approve the subdivision. Ms. Whitten seconded. All voted aye. Motion carried...."

Respectfully submitted,

Stacy Turner
Planning Director

Zoning Administer Cook explained that the Planning Commission is recommending approval of Final Plat, Resubdivision of Lot 1A, 1B, and Lot 2, Neff Properties, Section 19. Mr. Cook explained that this subdivision is sixth-tenths over the minor subdivision requirements approved by Council several years ago. Vice-Mayor Neff offered a motion to accept Planning Commission recommendation of this Final Plat. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on February 16, 1994.

"...The Planning Director presented the Harrisonburg Planning Commission 1993 Annual Report and explained that this report is required of the Planning Commission each year. After discussion Mr. Homan moved to approve. all voted aye..."

Respectfully submitted,

Stacy Turner
Planning Director

✓ Zoning Administrator Cook explained that this is an annual report that is required by the Planning Commission. Council Member Dingleline offered a motion to accept this report from the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Assistant City Manager Baker presented the following resolution for Council's consideration of approval:

WHEREAS, it is necessary for a formal request to be made to the Department of Transportation of the Commonwealth of Virginia by the Council of the City of Harrisonburg by resolution for each project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, at its regular meeting on this 22nd day of February, 1994, that:

1. The Department of Transportation of the Commonwealth of Virginia, be, and it is hereby requested to establish and set up projects within the City of Harrisonburg, Virginia, to construct an additional left turn lane on East Market Street (State Route 33) turning onto Cantrell Avenue and complete the four laning of Cantrell Avenue, and to four lane Reservoir Street from Cantrell Avenue east to University Boulevard. (Projects listed in priority order)
2. That the City hereby agrees to pay its share of the cost for surveys and plans, right-of-way, and construction under the present formula adopted by the Department of Transportation.
3. The City further agrees that if the said projects are established as herein requested and thereafter the said City decides not to proceed further with the said projects, then the City, by this resolution, agrees to repay the Department of Transportation for 100 percent of the cost incurred for the said projects to the time of abandonment.

Attest:

MAYOR

CLERK OF THE COUNCIL

✓ Assistant City Manager Baker explained this resolution is requesting the addition of Urban Projects to the State's Six-Year Plan and that both of these projects have previously been before Council. A resolution is required from Council so these projects can be added to the State's Six-Year Plan. The first project is widening of Cantrell Avenue to four lanes where it has only been two lanes and also, improve the left turn movement from East Market Street (State Route 33) onto Cantrell Avenue. This construction will remove part of the median strip and construct an additional bridge across the railroad track. The cost of this project is between one and two million dollars. The other project is to make Reservoir Street from Cantrell Avenue east to University Boulevard into four lanes. The cost of this project is between three and four million dollars. Following further discussion, Council Member Weaver offered a motion to adopt this resolution. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart explained the enclosed drawing of the consolidated maintenance building had been modified and the bathroom facility revised at Council's request. This maintenance facility will require \$61,000 from the general fund reserved for capital projects and \$144,372 from the Parks and Recreation Revolving Fund, and from the School Fund Unreserved Fund balance \$229,446 for a total of \$434,818. These are not new appropriated funds but funds shifted from the budget. The \$78,612 received from the VPSA refund is not included in this total amount since it is already in the School Capital Projects Fund. Vice-Mayor Neff suggested some improvements to the drawing of the facility. Since the restroom facility are centralized, he suggested having only one personnel entry door central located, and secure the other two doors which would eliminate one door and the one little section of wall shown on the drawing. As it is drawn now there are two separate outside doors and two separate door on the interior. This suggestion will be considered. Council Member Weaver offered a motion to approve the second reading of the transfer of funds for the consolidated maintenance building. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented a request from the City Treasurer Miller for approval of addition appropriation in the amount of \$5,000, for delinquent taxes collected. Council Member Weaver offered a motion for appropriation to be approved for a first reading, and that:

\$5,000 chge to: 1000-31010 Fund Balance Unreserved

\$5,000 approp. to: 1000-1224-41030 Personal Services-Del. Tax Acct.

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council. City Manager Stewart explained according to the City Code, the delinquent tax collection

gets a percentage of collected funds. In this case more tax was collected than budgeted in the year's budget. The Treasurer's Office receives the fee for collecting this money. Council requested that City Manager Stewart review this policy and report back to Council.

At 8:25 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to Industrial Development Authority, Executive Committee of Planning District and recommendation to Judge of Circuit Court for Board of Zoning Appeals except from the public meeting requirements pursuant to Section 2.1-33(A) (1) of the Code of Virginia. Discussion and consultation of the acquisition of real estate for a public purpose, exempt from public meeting requirements pursuant to Section 2.1-344(A) (3) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract and an existing lease agreement, requiring the provision of legal advice by the city attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (7) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 9:10 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

Vice-Mayor Neff offered a motion that Carl Wassum, 1169 Westmoreland Drive, be recommended to the Circuit Court for appointment to the Board of Zoning Appeals to expire on March 20, 1999. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Agnes Massie Weaver, 247 Campbell Street, be appointed to the Executive Committee for a first term on the Central Shenandoah Planning District Commission to expire on June 30, 1997. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

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

Wylene Ryan
CLERK

C. Robert Neff
MAYOR

REGULAR MEETING

MARCH 8, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 7:32 p.m., Mayor Heath closed the regular session temporarily and announced the meeting will reconvene at the Thomas Harrison Middle School to accommodate a large crowd.

✓ At 7:50 p.m. the public hearing reconvened at the Thomas Harrison Middle School. The following notice of the public hearing appeared in the Daily News Record on February 23rd and March 2nd:

NOTICE OF PUBLIC HEARING WITH RESPECT TO THE ISSUANCE, SALE AND AWARD OF GENERAL OBLIGATION SCHOOL BONDS BY THE CITY OF HARRISONBURG, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$4,250,000, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COSTS OF CAPITAL PROJECTS FOR SCHOOL PURPOSES WITHIN THE CITY OF HARRISONBURG, VIRGINIA.

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia will hold a public hearing pursuant to the provisions of Section 15.1-227.8 of the Code of Virginia (1950), as amended, with respect to the adoption by the City Council of a Resolution authorizing the issuance, sale and award of the principal amount not to exceed \$4,250,000 of General Obligation School Bonds of the City of Harrisonburg, Virginia, to be sold to the Virginia Public School Authority, for the purpose of providing funds to pay a portion of the costs of capital projects for school purposes within the City of Harrisonburg, Virginia.

The public hearing which may be continued or adjourned will be held at 7:30 p.m. on March 8, 1994, before the City Council of Harrisonburg in the Council chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia. Any person interested in the issuance, sale and award of the Bonds may appear at the hearing and present his or her views.

City of Harrisonburg
Steven E. Stewart
City Manager

Mayor Heath requested anyone present desiring to speak in favor of or against the proposed \$4,250,000 General Obligation School Bonds to limit their time to three minutes. Also, anything that has been said before should not be repeated. After the public hearing is over, the meeting will return to the regular Council meeting and Council will have the opportunity to adopt this resolution approving the first reading of the proposed \$4,250,000 school bond this evening. There will be a special Council meeting held on March 14, to approve the second reading of the school bonds. Wayne Modisett of The Moseley McClintock Group gave a brief presentation of the two projects concerning Waterman Elementary and Thomas Harrison Middle School. Mr. Modisett explained that the original Waterman Elementary School building was constructed in 1917 with additions built in 1950 and 1970. Because of the small gym, cafeteria located in the basement and the lack of security, Waterman Elementary obviously needs to be brought up to the standard of the other elementary schools. The Waterman Elementary projected cost is \$1,793,350 based on March, 1994 costs. These additions and renovations will include a new gymnasium, new music classrooms, new corridor space and ramps, potential elevator space and redesigning the main entrance so the major level of the building will be accessible. Some of these plans could change once they are into the working drawings. The Thomas Harrison Middle School projected cost is \$2,456,650 and this building was designed for expansion. These improvements will include new classrooms, bathrooms, locker/dressing areas, mechanical/storage areas and office/workroom areas. Mayor Heath called on anyone present desiring to speak in favor of the school bond issue.

Wayne Wright, speaking on behalf of the Harrisonburg School Board, the citizens and parents of Harrisonburg, appreciate the opportunity to speak on this bond issue.

Bill Walton, noted he has been a School Board Member for five years and is professionally a banker. Mr. Walton encouraged the Council to consider this bond issue since the interest rates are more favorable now than they will be in the future.

Pat Jones, President of Stone Spring Elementary School's PTO and who has children in the middle and elementary schools, stated there is not enough classroom space for the children attending school in Harrisonburg. The fact that Harrisonburg continues to grow will not change, but education needs to keep up with this growth. The children attending classes in the trailers have no running water or toilet facilities. These students must walk on unpaved areas and are going outside in all kind of weather. These trailers are not safe and must be secured, this situation is not acceptable.

Joan Krumm, as a representative of the Thomas Harrison PTO stated the proposed additions and renovations for the middle school and Waterman Elementary are vitally important to the education of our children. Having children in a trailer park situation is totally unacceptable for the middle school program as it has been adopted. The middle school's philosophy is based upon a diatomic and compelling curriculum that emphasizes active hands-on teaching and learning processes. Putting children in trailers will compromise the entire philosophy of the middle school. Supervision of middle school students is especially difficult with trailers. It is time

for the City of Harrisonburg to realize that our children and their education determine our future. Putting off this inevitable expansion will only result in a decline in the excellent education programs that currently exist in Thomas Harrison and Waterman Schools.

Rikki Yockey, as President of Waterman PTO and a Mother of three children, stated she has heard recently many comments from people who would like to see improvements at Waterman Elementary and Thomas Harrison Middle School. In a recent City Council meeting, there was a big discussion on the plans for the joint maintenance facility and the question was raised why should the employees have to go outside to use the bathroom at the new Parks and Recreation facility. So the question is "Why do our children have to go outside to get into the main school to use the bathroom"? It is unacceptable that our children are in trailers, they deserve equal classrooms. Since the school offices are located on the second floor at the back of the building at Waterman Elementary there is a security problem. Finally the citizens of Harrisonburg and the schools are a team and as a parent I am working as hard as I can to be a member of this team and am willing to pay higher taxes to finance the bonds.

Rob Strader, stated being a new resident in Harrisonburg, a banker and a parent, and relocating from the Richmond area, there are several counties in the Richmond area that did not plan for education growth. Some counties have rows of trailers and the children are suffering because of this. As a banker, now is the time to borrow money and as a taxpayer and resident he would be willing to contribute his share. To avoid situations he has witnessed in other counties, now is the time to plan ahead.

Robert McKearny, stated the School Bond issue must pass this year because of the increasing interest rates, because if delayed another year the cost will be staggering. Nobody wants to see increased taxes, but if there is no other method of funding the City's future then this must be done.

Adam Pippert, a seventh grader at Thomas Harrison Middle School, stated the additions at the school are greatly needed. The locker space is inadequate, students cannot get into their lockers because of the crowded conditions. He has attended classes in a trailer and the conditions are not ideal. In taking a survey concerning the trailers, 67 students stated they would rather have the school bonds passed than waiting another year.

Bernata Sonifrank, stated as a taxpayer and parent of children at Waterman Elementary the gym is so small all the children in a class cannot participate in the planned activities. The cafeteria is so small these children cannot eat lunch at a reasonable time. There is a big security problem at the school with the offices located so far away from the front of the building. She expressed she does not want her children having classes in a trailer when they attend the middle school. If we can assure the inmates at the new Rockingham County Jail with the best facility offered, then the same assurance should be offered for the children of the City at a time in their lives that is of great importance.

Matt Shaver, stated as an eighth grader at Thomas Harrison Middle School, attending classes in a trailer at times is very hard. The

weather conditions have been bad, it is hard to concentrate in the class, and time is lost going back and forth to the school building.

Ron Stoltzfus, stated having children at Waterman Elementary and Thomas Harrison Middle Schools, signed a petition agreeing to pay higher taxes, but he is concerned about a trend he has noticed. Nine years ago 49% of the budget was spent in education compared to last year where only 35% was spent. There needs to be a larger commitment to education.

Barb Grady, stated that she has children at Waterman Elementary and is helping with brownie scouts, She has noticed even with a small group meeting in the gym you still cannot hear. Try to imagine what it is like with 60 kids in the gym. Some metal pipes along the wall are a safety hazard and the teachers are thankful that nobody has been hurt so far on these pipes. The tiles on the floor are easy to break and shatter just by kicking them. The asbestos level in the gym should be checked by an expert.

Bill Lakeman, stated he is in favor of this bond referendum. This proposal is good for the intra-structure of the community which will help the City prepare for the future. It will help the immediate problem and other problems that have yet to be defined in the years to come.

Betty Cramer, stated she has children in the Harrisonburg City Schools, and wishes to express her concern for the handicapped children and parents. It would be difficult for a handicapped parent to get to a second or third level at Waterman Elementary. This prevents some parents from attending functions their children are in.

Cathy Stevenson, stated as a parent of a child who will be attending the middle school next year, when these children are put in a trailer they feel like they are not part of the school.

Eldon Hostetter, stated there is a need for improvements to both of the schools and now is the time.

Jeff Ferguson, stated having lived in Fairfax City, Harrisonburg needs to provide an environment for the children and encourage them to learn. There is no better investment than our children's education.

✓ At 8:55 p.m. there being no others desiring to be heard the public hearing was declared closed and the regular session reconvened. Mayor Heath reminded everyone Council will be acting on the first reading of the proposed \$4,250,000 school bond. Carolyn Perry, representing Bond Council, explained that the Virginia Public School Authority, will require a 20 year term on the proposed resolution being considered by Council for a first reading. The structure of this sale is somewhat different from previous sales because the first principal payment will be due July 15, 1994. The proposed bond sale for the Virginia Public School Authority will be held April 12 and the City should pay 1/10 of 1% higher interest rate than VPSA. A 6% interest rate has been calculated, but hopefully the interest rate would be more favorable than 6%. Crestar bank will be the paying agent. Council Member Weaver made a motion to approve the proposed resolution of \$4,250,000 in general obligation school bonds for the first

reading. The motion was seconded by Council Member Dingleline, and approved with a recorded vote of Council with one abstention by Vice-Mayor Neff. Council Member Weaver read the following statement to clarify her feeling on this issue. "As a member of City Council, I have supported the financial needs of the Harrisonburg School System. It is a deep disappointment to me that the School Administration and the School Board chose not to participate in the 1.5% to 2% cost containment goals endorsed by council during the 1993 Budget Process. This refusal to participate shows a lack of cooperation and an unwillingness to make a team effort with the rest of Harrisonburg's government. Other City departments did participate and have been successful in finding savings which will benefit the citizens of Harrisonburg. The school leadership, by choosing not to attempt to try to find savings of one or two cents per expenditure dollar, presumes that there is 100% efficiency in the administration and delivery of all programs, and that each program is absolutely vital. This does not seem reasonable. I believe that a 1.5% to 2% cut could be made without increasing class size or otherwise reducing the quality of education for the children of Harrisonburg. Such savings could provide for half of the funding required for this bond issue. I will not vote yes on the second reading of the bond issue on March 14, unless there is a commitment by the School Board and School Administration to participate fully in this cost containment effort for the 1995-96 fiscal year." Mayor Heath stated although every speaker had expressed support for the school bonds and has concern that improvements are needed at Waterman Elementary and Thomas Harrison Middle Schools, Council is under tremendous pressure from other citizens in Harrisonburg not to raise taxes. Mayor Heath also stated he had attended Waterman Elementary as a boy and realizes the school needs these improvements. Since all the City departments have been asked to reduce costs by 2% and in trying to establish equal balance and in the same fashion as other departments, the school board should reduce costs. If the school board cuts operating costs by 1.5 to 2% in the 1995-96 fiscal year then this requested reduction would amount to about half of the money needed for the improvements, with the remaining funds produced by savings in the City departments. Mayor Heath supported Council Member Weaver's position and hopes improvements to the schools can be made without potentially raising taxes. Council Member Green stated that he also supports Council Member Weaver's position and over a month ago had requested that the school board find some money in their budget. Council has always supported the schools and has bent over backward for the schools despite some of the things said here tonight.

✓
City Manager Stewart presented a letter from Robert Hume complaining about the inadequate snow removal from the Reherd Acres Subdivision. Mr. Hume was notified he was on the agenda and advised of the meeting being held at Thomas Harrison Middle School, but he was not present. Mr. Stewart asked Street Superintendent Baker to discuss some of the problems the Street Department had experienced this Winter. Mr. Baker stated that the Street Department looks at snow removal as an opportunity or

responsibility to offer emergency service and access to the citizens of Harrisonburg. The first goal is supporting 911 emergency service. The snow plan is trying to provide treated roads within two to three blocks of every citizen. Besides 132 miles of primary routes and 120 miles of secondary streets, there are parking lots downtown and the school lots to be treated and cleared. Mr. Baker said a shortage of salt did force the City to modify its snow removal plan during last week's storm. A lot of citizens have cooperated with drivers, but they have run into a number of unique situations this year. Street crews have had to battle the elements and irate residents. On one occasion a resident stood in front of heavy snow removal equipment and demanded that the driver stray from his assigned duties and clear a residential section of the City. Police have been called in as drivers were being pelted with snowballs by adults. Mr. Baker also reported that this winter has cost the City \$313,823 of which only \$190,726 was budgeted. To meet the demand for funds, other departmental accounts has been used to meet the shortfall. Since hiring outside trucks has produced problems with scheduling, refuse collection trucks were converted by mounting snow plows on front and this has worked great. Next year the department plans to outfit more refuse collection trucks with plows. The Water and Sewer Department has been a great asset to the Street Department in clearing intersections this year. There has also been a lot of problems this year with equipment failure. Council Member Weaver requested Charlene Rice mention these problems in the City Span article published in the Daily News-Record newspaper.

✓ City Manager Stewart presented a request from City Treasurer Miller for approval of an additional appropriation in the amount of \$5,000, for delinquent taxes collected. Council Member Weaver offered a motion for appropriation to be approved for a second reading, and that:

\$5,000 chge to: 1000-31010 Fund Balance Unreserved

\$5,000 approp. to: 1000-1224-41030 Personal Services-Del. Tax Acct.

The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council. City Manager explained according to the City Code, the delinquent tax collector gets a percentage of collected funds and Council had requested reviewing this policy and report back to Council. Mr. Stewart asked Assistant City Manager Baker to share his report on this collection to Council. Mr. Baker explained taxes are considered delinquent and declared delinquent by the City Treasurer as of June 30, following the year of assessment. In the last five years the range has been \$97,483 collected of which the Treasurer received \$14,891 to a high of \$175,865 collected which the Treasurer received \$39,000 to date this year. This figure does not represent 30% of the total. The report stated only 30% from personal property and other bills such as water, transit that are collected. No portion is collected from real estate taxes. Sometimes the Sheriff's charge of \$18.00 on each motion for judgement is higher than the

collection. In checking with other localities, the delinquent collection efforts are regular responsibilities of the Treasurer's office. Council Member Weaver requested that the City Manager evaluate and recommend the most efficient method of collecting these delinquent taxes. Vice-Mayor Neff offered a motion that the City Manager evaluate the process that works better which may involve changing the ordinance of collecting delinquent taxes. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a letter from Sherwin Jacobs, Attorney, requesting that property located at 548 East Market Street (Lot 4, Block B, P.27) be rezoned from R-2 classification to R-3 conditional. Vice-Mayor Neff offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that the Joint Judicial Committee has requested approval of equipment purchases for the new Sheriff's Department/Jail. Since being advised the Joint Judicial Committee has a schedule to meet, both the City and County should take action this week. The total equipment purchases will not exceed \$158,593 and these purchases will be made from bond proceeds. The items have been reviewed and recommended by the Sheriff and the Jail Transition Team. Council Member Dingleline offered a motion to approve the equipment purchases for new Sheriff's Department/Jail. The motion was seconded by Council Member Green, and approved with a recorded vote of Council.

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

Yvonne Ryan CLERK C. Robert Neath MAYOR

SPECIAL MEETING

MARCH 14, 1994

At a special meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

✓ Mayor Heath presented the following resolution for Council's consideration of approval:

RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF NOT TO EXCEED \$4,250,000 GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, SERIES 1994, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND PROVIDING FOR THE FORM AND DETAILS THEREOF.

WHEREAS, the City Council of the City of Harrisonburg, Virginia (the "City"), has determined that is necessary and expedient to borrow not to exceed \$4,250,000 and to issue its general obligation school bonds for the financing of certain capital projects for school purposes, including, but not limited to, additions and renovations to Waterman Elementary School and Thomas Harrison Middle School.

WHEREAS, the School Board of the City has requested, by resolution, dated February 1, 1994, the Council to consider the issuance, sale and award of the Bonds, and, by resolution, dated February 22, 1994, the Council to call for a public hearing on the issuance of the Bonds (as defined below).

WHEREAS, the City held a public hearing, duly noticed, on March 8, 1994 on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.1-227.8A, Code of Virginia, 1950, as amended (the "Virginia Code").

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

1. Authorization of Bonds and Use of Proceeds. The Council hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$4,250,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Council hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the City to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase, and the City to sell to

the VPSA, the Bonds at par upon the terms established pursuant to this Resolution. The Mayor or Vice-Mayor of the Council, the City Manager or the Assistant City Manager, and such officer of officers of the City as any of them may designate, any one of whom may act, are hereby authorized and directed to enter into a Bond Sale Agreement to be dated March 18, 1994 with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Council at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 1994"; shall bear interest from the date of delivery thereof payable semi-annually on July 15 and January 15 (each an "Interest Payment Date"), beginning July 15, 1994, at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. Interest Rates and Principal Installments. The City Manager or the Assistant City Manager, either of whom may act, is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the annual rate to be paid by the VPSA for the corresponding maturity of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed eight percent (8%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The City Manager or the Assistant City Manager, either of whom may act, is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and the Interest Payment Dates and the Principal Installments and the Principal Payment Dates requested by the VPSA as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A. On twenty (20) days written notice from the VPSA, the City shall deliver, at its expense, Bonds in marketable form in denominations of \$5,000 and whole multiples thereof, as requested by the VPSA, in exchange for the temporary typewritten Bond.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal, and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) Crestar Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2004, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2004, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of the Bonds held by the VPSA coming due after July 15, 2004, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2004, are subject to prepayment or redemption at the option of the City prior to their stated maturities in whole or in part, on any date on or after July 15, 2004, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

Dates	Prices
July 15, 2004 to July 14, 2005, inclusive	103%
July 15, 2005 to July 14, 2006, inclusive	102%
July 15, 2006 to July 14, 2007, inclusive	101%
July 15, 2007 and thereafter	100%

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the VPSA. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. Execution of the Bonds. The Mayor or Vice-Mayor and the Clerk or any Deputy Clerk of the Council are authorized and directed to execute and deliver the Bonds and to affix the seal of the City thereto.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the City are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the City subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate and Certificate as to Arbitrage. The Mayor or Vice-Mayor of the Council, the City Manager or the Assistant City Manager, and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute a Use of Proceeds Certificate and Certificate as to Arbitrage each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and Certificate as to Arbitrage and that the City shall comply with the other covenants and representations contained therein. Furthermore, the Council covenants on behalf of the City that the City shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludible from gross income for Federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Council hereby determines that it is in the best interest of the City to authorize and direct the City Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Mayor or Vice-Mayor of the Council, the City Manager or the Assistant City Manager, and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the City, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager, and the depository. Such Proceeds Agreements substantially shall be in the form submitted to the Council at this meeting, which form is hereby approved and shall

contain such other terms and provisions as may be requested by the VPSA for the issuance, sale and award of the Bonds.

12. Filing of Resolution. The appropriate officers or agents of the City are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the City.

13. Further Actions. The members of the Council and all officers, employees and agents of the City are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance, sale and award of the Bonds and any such action previously taken is hereby ratified and confirmed.

14. Effective Date. This Resolution shall take effect immediately upon the second reading and approval hereof.

1st Reading: March 8, 1994

2nd Reading: March 14, 1994

Mayor, City Council of the City of
Harrisonburg, Virginia

(SEAL)

City Manager, City of Harrisonburg,
Virginia

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia, hereby certifies that the foregoing Resolution was duly adopted by the City Council and constitutes a true and correct extract from the minutes of a special meeting of the City Council held on March 14, 1994, and of the whole thereof so far as applicable to the matters referred to in such extract. I further certify that such Resolution was duly read during the March 18, 1994 regular meeting of the Council, such meeting was a duly called meeting and that, during the consideration of the foregoing resolution, a quorum was present. I hereby further certify that such Resolution was duly read during the March 14, 1994 special meeting of the Council, such meeting was a duly called special meeting and that, during the consideration of the foregoing Resolution, and the second reading thereof, a quorum was present.

WITNESS MY HAND and the seal of the City Council of the City of Harrisonburg, Virginia, this 14th day of March, 1994.

(SEAL)

Yvonne H. Ryan, Clerk, City Council of
the City of Harrisonburg, Virginia

Mayor Heath explained that the purpose of this special meeting was to consider the resolution authorizing the issuance, sale and award of not to exceed \$4,250,000 General Obligation Bonds of the

City of Harrisonburg, Series 1994. This is a second reading on the resolution with the first reading being held at the regular Council meeting on March 8, 1994. Some considerations were expressed at the regular Council meeting concerning budget and the bond issue. Several members of the School Board, the City Manager and several members of Council met at an informal round table meeting to discuss these issues and concerns. Mayor Heath stated he was very pleased to announce the differences with the School Board have been resolved. Mayor Heath indicated there was never a disagreement that improvements are needed at Waterman Elementary and Thomas Harrison Middle Schools, and everyone was in favor of borrowing the money, the only question was how to pay this money back.

Wayne Wright, Chairman of the School Board read the following statement: "The School Board wishes to respond to an expression by City Council members that the School Board continue to pursue efforts toward the Council's cost containment goals in order to assist with the financing of debt service on the school bonds for Waterman and Thomas Harrison Middle School alterations and additions. While the School Board and Staff certainly gave consideration to the Council's cost containment goals in the development of its 1994-95 school budget, we are most willing to continue to work with Council to achieve funding for these vitally important school facilities while maintaining a high quality educational program through the operating budget. With the realization that the present School Board cannot make a binding commitment for future School Boards, it is clearly the intent of this School Board and School Administration to pursue the cost containment goals of City Council for the 1995-96 fiscal year. We are grateful for Council's past efforts to provide adequate facilities and quality education to the youth of Harrisonburg, and we would appreciate your approval of the School Bond Resolution this evening." Council Member Weaver made a motion to approve the proposed resolution of \$4,250,000 in general obligation school bonds for the second reading. The motion was seconded by Council Member Dingledine, and approved with a recorded vote of Council with one abstention by Vice-Mayor Neff.

At 7:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

Wayne Ryan
CLERK

C. Robert Heath
MAYOR

REGULAR MEETING

MARCH 22, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper. Absent: Council Member Emily R. Dingleline.

Council Member Weaver offered a motion to approve the minutes of March 8, 1994 as received and to dispense with the reading of the minutes. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members present. Vice-Mayor Neff offered a motion to approve the minutes of March 14, 1994 as received and to dispense with the reading of the minutes. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart explained that last summer Council had authorized him to appoint a working group to develop a tree policy for trees on public property. This committee has been working very diligently since last summer and has completed a report for Council. George Rose, Chairman of the Tree Policy Working Group, presented to Council a report which includes a tree policy for the City of Harrisonburg. Mr. Rose stated that Harrisonburg is a beautiful City, but has some problems that need to be addressed. It involves tree topping and pruning trees that do not need to be topped or pruned. Mr. Rose stated the only time to prune a tree is when it is in the way of a building, has a disease or if it is a big tree in the wrong place. Mr. Rose presented pictures as examples of what happens to a tree after cutting the top out that does not need topping. This ruins the whole shape of the tree and this is happening all over the City, but not in other cities 50 miles from Harrisonburg in any direction. A group of concerned citizens consisting of the Parks and Recreation Department, Planning Director, HEC, Greener Harrisonburg, and the Water and Sewer Department decided to conduct some research to see what could be done to protect these trees. A document was created to protect the rights of the City, the rights of the individuals, notification to the City for a permit to cut a tree and replacement of trees that get old. The Tree Policy Working Group is recommending the hiring of an arborist or horticulturist. The Group is also requesting the formation of a tree commission consisting of interested citizens and people who are knowledgeable about trees. As this City is growing, citizens want to be proud of it and need to know what kind of trees are being planted and where these trees are planted. Our City's pride rests in its beauty and setting in the beautiful Shenandoah Valley. Betina Ring, Chief of the Community Forest Program in Virginia and a member of the Department of Forestry in Charlottesville, stated the report was very thorough

and similar to other communities in Virginia. The urban community forestry movement is growing and there is money available through grant programs. Council Member Weaver questioned whether the School Board's land was included in the report and if this is legal. City Manager Stewart explained that a letter was received from the school superintendent indicating any policy or plans that affects their property needs to be coordinated through their staff. Mayor Heath commented that Council appreciates the work and dedication that went into this comprehensive report presented by Mr. Rose. Council will need additional time to study the report from the Tree Policy Working Group and will place this item on the agenda in the near future.

✓ Theresa Rotzin, Job Center Coordinator, presented the Shenandoah Valley Private Industry Council Annual Plan report. Ms. Rotzin presented an annual summary of Planned Operations for the area served by the Shenandoah Valley Private Industry Council under the Job Training Partnership Act. This is a federally funded program that works very closely with Dayton Learning Center, Massanutten Vo-Tech and Blue Ridge Community College. Classes are also offered in-house which include GED classes. Vice-Mayor Neff offered a motion to approve the 1994-95 annual summary. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ Mayor Heath presented the following resolution for Council's consideration of approval:

WHEREAS, Henry C. Clark, Secretary of the Rockingham Development Corporation, a volunteer organization of leading citizens, has been an untiring and dedicated citizen and has assisted in the advancement of economic development in the Shenandoah Valley, particularly in Harrisonburg and Rockingham County, for over 30 years; and

WHEREAS, Mr. Clark has given of his time, energy and talents in order to make Harrisonburg a better place to live and work by striving to attract to the community those business facilities which could enhance the City's economic viability and stability; and

WHEREAS, during Mr. Clark's service with the Rockingham Development Corporation, progressive and innovative businesses and industries have elected to settle in our community, and many existing firms have undertaken significant expansions; and

WHEREAS, of the 45,000 citizens employed in the labor force of Rockingham County and the City of Harrisonburg, many are the direct results of the efforts of the Rockingham Development Corporation;

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council, on behalf of the citizens of Harrisonburg, does hereby recognize and express sincere gratitude to Mr. Clark for his contributions to the City of Harrisonburg.

Given under my hand this twenty second day of March in the year one thousand nine hundred and ninety-four, A.D.

C. Robert Heath, Mayor

Attest:

Yvonne H. Ryan, City Clerk

✓ Mayor Heath explained that the proposed resolution is honoring Henry C. Clark for service on the Rockingham Development Corporation. Mr. Clark has been very active in this organization for a number of years and is being recognized for his efforts by assisting in the advancement of economic development in the Shenandoah Valley. Vice-Mayor Neff offered a motion for the adoption of this resolution. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart explained that the Virginia Department of Historic Resources' is preparing an application for enhancement funds under the Intermodal Surface Transportation Efficiency Act (ISTEA) with the Department of Transportation, asking for funds for a survey of historical structures along Route 11 from the West Virginia line north of Winchester to the City of Lexington. The department is requesting support (not money) from the communities along this route for filing an application to obtain these funds. Council Member Weaver offered a motion to support this application for funding, but suggested that the historical structures should be at least 50 years old, and not 40 years as stated in the report. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from the Planning Commission meeting held on March 16, 1994:

"....Chairman Wassum read the request for a Public Hearing to consider zoning text amendments and establishment concerning fees. He asked Mr. Cook to present the request. Mr. Cook referred to the extracts presented, "Ordinance Amending and Re-Enacting Sections 10-3-104 and 10-3-119(c)(1) & (2)." He said that 10-3-104 was a "Fee for request for amendment" and Comprehensive Plan and the fee is in the amount of \$300. Mr. Cook explained that the fee is to help cover the costs of advertisements and postage for the Public Hearings held by Planning Commission and City Council. He explained that 10-3-119(c)(1) & (2) was for "Filing fees", Board of Zoning Appeals and this fee was to go from the amount of \$100 to \$150. Mr. Cook said that this fee was for applications submitted for appealing to the board of zoning appeals and applications for a variance and appeals. He added that this request is less, due to the fact that there is only one public notice involved.

Chairman Wassum went into a Public Hearing and asked if there was anyone that would like to speak for the request. There was no one. He asked if there was anyone that would like to speak against the request. There was no one. Chairman Wassum went back into general session and asked if there were any comments or questions from the commissioners.

Chairman Wassum asked, "Why is it necessary to raise or incorporate these fees."

Mr. Stewart explained that City Council had directed staff to see that the City cover the expense of these requests. He explained that Council felt it would be unfair for the general citizenry to pay for a specific individuals special request. The City Manager said that these figures only cover the cost of advertising and postage, it does not cover staff time.

Discussion included current fees, the amount of advertisements required by the state, and the authorization given by the state to recover the fees incurred in advertisements. Mr. Cook said that there is no fee charge at this time for an amendment to the Comprehensive Plan. Therefore, the cost of advertisements for prior requests have come out of the Planning Departments budget. He said that in 1990 a rewrite on the fee schedule was done and at that time the amendment was overlooked and no fee increase was given. So what has happened is that there was a \$100 filing fee for a board of zoning appeals that only had two advertisements while a rezoning had four notices and it was still only \$100. In the meantime all fee schedules have increased.

Mr. Homan moved to approve both recommendations. Dr. Beasley seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

✓ Zoning Administrator Cook recommended April 26, 1994 as the date for a public hearing to consider establishing fees and zoning text amendments. Vice-Mayor offered a motion to set a public hearing to consider these proposed fees on April 26, 1994. The motion was seconded by Council Member Weaver, and approved with unanimous vote of Council Members present.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-1-33 of the Harrisonburg City Code. This changes the reference in the code from Auditor to Director of Finance. When changes were made in the City Code several months ago, this section was missed. Council Member Weaver offered a motion that section 4-1-33 be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a majority recorded vote of Council Members present, with Council Member Green voting no.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-2-10 of the Harrisonburg City Code. This ordinance allows for the establishment of capital projects fund for projects having to meet two criteria, one has to extend over more than one fiscal year and secondly would have to cost in excess of \$200,000. This item has been previously discussed with Council, and would allow projects like Garbers Church Road and Mt. Clinton Pike funding to extend

over a period of two years. Council Member Weaver offered a motion that section 4-2-10 be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-2-4 of the Harrisonburg City Code. This item allows the unexpended funds within the capital project funds to remain in the fund until the project has been completed or until Council decides to redirect these funds. Council Member Weaver offered a motion that section 4-2-4 be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-2-6 of the Harrisonburg City Code. This item allows the City Manager to transfer appropriations as necessary between City departments. This amendment will allow greater administrative flexibility but will not allow an overall increase in the total budget without Council approval. Vice-Mayor Neff offered a motion to table this item for further consideration. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart explained that Council had requested a report on the method of payment for delinquent taxes. It is proposed that the City Code be amended to define the collector of delinquent taxes as the treasurer and to eliminate the 30% commission that is currently being paid. If approved as suggested it would mean a \$25,000 reduction in this budget item for 1994-95. Mr. Stewart stated there has been some concern expressed about this change, but he said staff's research found no other communities that pays a commission for people performing these duties during normal office hours. Following further discussion, Council Member Weaver offered a motion to table this item. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ Mayor Heath presented a progress report on the Road Study Committee. This committee will be studying the street extension between South High Street and Stone Spring, the one section of the Major Street Plan that was not approved at the February 22nd Council meeting. The following people have been appointed to the committee which will have its first meeting at 7:00 p.m. on April 4th, in the Mayor's office on the second floor of the Municipal Building:

Diane Foucar-Szocki, Willow Hills resident;
Helen Hanson, Representative chosen by Willow Hills residents;
Jim Hoak, Pear Street/Mosby Road area resident;

John Neff, Vice-Mayor;
Bob Beasley, Planning Commission member;
Bob Heath, Mayor.

It was originally suggested that the committee report their findings to the Council within 30 to 45 days after Council's action on February 22, 1994, but this is not possible because of the time required to form the committee and busy schedules of the committee members. The Road Study Committee will report back to Council on April 26th with a progress report. Council Member Weaver suggested Jim Saker be included as an advisor on the committee. Mayor Heath stated he would rather not expand the committee, but anyone can make a presentation. Also, Mayor Heath noted there are other people who have an interest on this issue and want to make a presentation to the committee. Council Member Green stated one of the mentioned criticisms is that the committee is not representing the entire City, but rather it is being done by neighborhood coalition groups. Council Member Green suggested property owners from this area should have the opportunity to speak to the committee and provide some input on the issue. Vice-Mayor Neff suggested making direct contact with all the affected property owners and giving them the opportunity to express their views to the committee.

At 8:45 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; discussion and consideration of the disposition of publicly held property, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia; and also consultation with the City Attorney and briefings by staff members pertaining to three (3) proposed contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

At 10:30 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

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

CLERK

MAYOR

REGULAR MEETING

APRIL 12, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Jim Hughes explained to City Council that the Veterans of Foreign Wars are in the process of organizing a rededication of the World War II Memorial Stadium located on South High Street. Mr Hughes noted that they plan to have the ceremony on June 5, 1994, which is the Sunday before the 50th anniversary of the Normandy Invasion. Mr. Hughes stated they are planning a three day event to start on June 3rd with a parade and are requesting the use of Harrisonburg High School parking lot as a staging area for the parade. A bronze plaque containing 139 names of soldiers killed during World War II currently located inside the stadium needs a permanent display area. It was suggested to build a permanent fixture for the bronze plaque and locate it in the grass area adjacent to the front of the stadium. The Veterans of Foreign Wars will assume all costs. The bronze plaque will be placed inside a brick pedestal with an engraved stone on top. Council supported and approved the rededication of the World War II Memorial Stadium.

✓ Taylor Howell, Virginia Employment Commission Manager, presented the annual 1994 Plan of Service of the VEC for SDA-4 Shenandoah Valley to Council. The 1994 program year basic services remained unchanged for the year. The floor and program levels have been increased by about 5% over last year levels, due to better economic times. Three major emphases for Program Year 94 have been expanded. The first item installed statewide was an automated typing test program that is PC based. An individual can now be tested in ten minutes rather than the 45 minutes of staff time previously involved. The second item is that ALEX, which is a nationwide job data base, is now available to individuals if they wish to use it in their homes. As of March 29th this job data base was available to the local libraries. The third part of the program expanded this year has been in the area of record response activities. If there is a plant close-down impacting a large number of people, two staff people from each region of the VEC will be coordinating with the local company and employees concerning the close-down. Council Member Dingledine offered a motion to approve the VEC 1994 plan. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Henry Clark, with the law firm of Clark and Bradshaw, presented to Council a proposed request from CFW Network Inc. concerning a fiber optic cable project within the City. The company wants to construct a fiber optic communications cable ring within Harrisonburg. This proposal is designed to enhance business communications in the City. The initial CFW project consisted of a pilot remote medical consultation application between Rockingham Memorial Hospital and the University of Virginia Medical Center. Mr. Clark stated selected business customers and public institutions in the City have indicated a strong interest in using this alternate facility to improve the reliability of their critical long distance services and communications with other state facilities. He said with the high level of customer interest that has already been shown, CFW will commit an investment of \$750,000 in fiber optic cable and electronics to this project. This installation and investment does not require financial assistance from the City. Council Member Green offered a motion to refer this request to the City Manager for review and recommendation to the Council. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion granting Virginia Poultry Federation's request to display across South Main Street within the Central Business District, a banner from May 16 to May 21, 1994. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion granting Harrisonburg Rotary Club's request to display across South Main Street within the Central Business District, a banner from May 5 to May 16, 1994. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Mayor Heath presented the following resolution for Council's consideration of approval:

RESOLUTION AUTHORIZING THE PREPARATION AND FILING OF AN APPLICATION FOR A 1994 PLANNING GRANT THROUGH THE VIRGINIA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia's Community Development Block Grant (CDBG) Program for Planning and preliminary design activities; and

WHEREAS, in order to receive such financial assistance it is necessary to file an application for a planning grant with the Virginia Department of Housing and Community Development; and

WHEREAS, the City of Harrisonburg wishes to apply for \$23,500 in 1994 Planning Grant funds to be used in addressing the City's priority community development

needs through the development of the Bruce Street Comprehensive Community Development Plan; and

WHEREAS, the City has committed \$5,000 in local funds through the Harrisonburg Redevelopment and Housing Authority toward the planning study for a total planning project of \$28,500.00.

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

1. The City Manager, as official administrator of Harrisonburg is hereby authorized to undertake the preparation of said application for filing with the Virginia Department of Housing and Community Development on or before the April 15, 1994 submission deadline.
2. City Council of Harrisonburg, Virginia hereby requests the Virginia Department of Housing and Community Development to consider and fund said application and program, said program being in accord with the regulations, use and expenditure of Planning Grant funds.
3. The City Manager as the chief administrative officer of Harrisonburg is hereby authorized to execute a Planning Grant Agreement between the City and the Virginia Department of Housing and Community Development should this project be funded.

CITY OF HARRISONBURG, VIRGINIA

BY: _____

MAYOR

ATTEST: _____

CLERK OF THE COUNCIL

City Manager Stewart explained that the Harrisonburg Redevelopment and Housing Authority is requesting that the City apply for an application for a planning grant to develop a plan for improvements in the West Bruce Street area. The planning grant request in the amount of \$25,000 will involve input from the neighborhood. Local funds of \$5,000 have been committed by the Housing Authority. Jim Deskins explained that the Harrisonburg Redevelopment and Housing Authority is working with the consulting group of K.W. Poore and Associates concerning this application. Mr. Deskins stated the funds will be used to conduct a study to determine the needs of the community and this study will involve public input, meetings with the residents of the neighborhood and residents participating in the design of the program. Council Member Dingleline offered a motion to approve this grant for planning. The motion was seconded by Council Member Weaver, and

approved with a unanimous vote of Council.

✓ City Manager Stewart presented the 1994-95 Budget to the City Council. Most of the items were discussed with Council at the retreat held in January, 1994. There is no proposal for any tax or fee increases in the general fund for fiscal year 94-95. Mr. Stewart explained there has been a lot of hard work by the department heads and staff in making sure the citizens of Harrisonburg can continue to receive the high quality of local government services. City Manager Stewart suggested that a public hearing be held on May 10th with final approval being on May 24th. Mr. Stewart stated the guiding force behind the budget preparation has been staff's commitment to the 1993 cost containment goals, particularly the goal to reduce 1994-95 expenditures by 1.5% to 2.0%. The three major areas of reduced expenditures are the proposed landfill consolidation with Rockingham County, going to the once per week residential garbage collection and selling the taxi system by January, 1995. The proposed budget would not increase tax rates, but it would increase sewer rates by 9% as part of a scheduled two-step hike begun in this fiscal year which ends June 30. Mr. Stewart also stated the proposed budget eliminates 38 positions, mostly from the sale of the taxi service. He also said ten new positions will be created including a human resource manager, a police officer to work with neighborhoods, and additional planner and a social worker. City Manager Stewart reviewed the proposed funding for salary adjustments. Mayor Heath stated since a study of salary levels was ordered by Council, he is recommending that an additional \$311,000 be placed in the contingency fund and available for implementing the portion of the study not already funded in the proposed budget, if Council so chooses. This was a consensus of the Council in placing \$311,000 in the contingency fund. Council Member Dingleline made a motion to set the Public Hearing for the 1994-95 budget on May 10, 1994. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart explained that a request has been made to consider transferring ownership of power transformers located at Silver Lake to Shenandoah Valley Electric Cooperative. These transformers are the original 1950-1960 models and are a hazardous type liability for the City. SVEC will remove these transformers and install new ones and the City will have an adjustment in the minimum monthly billing rate. Vice-Mayor Neff offered a motion to approved the transfer of these power transformers to SVEC. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Attorney Thumma explained the streets in Belmont Estates have been put into the state highway system and that the City needs to grant a quitclaim deed in order to keep water lines in the street right-of-way. A land use application was also filed with VDOT allowing the City to maintain the public utilities within the state's right-of-way. Vice-Mayor Neff offered a motion to approve this quitclaim deed. The motion was seconded by Council Member

Weaver, and approved with a unanimous vote of Council.

Mayor Heath presented 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 deletions and additions of street mileage which are eligible for maintenance payments.

1. Collector/Local streets to be deleted, totaling 0.17 center line miles (0.34 land miles).
2. Collector/Local streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 1.95 center line miles (3.9 lane miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form 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, 1994.

Adopted by the Harrisonburg City Council this 12th day of April, 1994.

MAYOR

CLERK OF THE COUNCIL

✓ Street Superintendent Baker explained that this resolution is a request to VDOT to add street to the Urban Street Inventory which are eligible to receive Urban Maintenance Funds. Following further discussion, Council Member Green offered a motion to approve this Urban Street Inventory. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that the Virginia Municipal League has seven policy committees that meet twice a year during the summer making recommendations to the VML Board concerning major policy statement to primarily deal with the General Assembly and Congress. Currently each of these committees has a representative from Harrisonburg. Vice-Mayor Neff offered a motion to reappoint the same people currently serving on the committees. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 4-1-33 of the Harrisonburg City Code. This changes the reference in the code from Auditor to Director of Finance. When changes were made in the City Code several months ago, this section was missed.

Council Member Weaver offered a motion that section 4-1-33 be approved for a second reading. The motion was seconded by Vice-Mayor Neff, and approved with a majority recorded vote of Council, with Council Member Green voting no.

✓ City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 4-2-10 of the Harrisonburg City Code. This ordinance allows for the establishment of capital projects fund for projects having to meet two criteria, one has to extend over more than one fiscal year and secondly would have to cost in excess of \$200,000. This item has been previously discussed with Council, and would allow projects like Garbers Church Road and Mt. Clinton Pike funding to extend over a period of two years or more. Council Member Weaver offered a motion that section 4-2-10 be approved for a second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 4-2-4 of the Harrisonburg City Code. This item allows the unexpended funds within the capital project funds to remain in the fund until the project has been completed or until Council decides to redirect these funds. Council Member Weaver offered a motion that section 4-2-4 be approved for a second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Building Official Byrd presented to Council four items to consider in transferring of funds from reserve for contingencies to general properties. Mr. Byrd requested that \$50,000 be transferred for the following projects. The first item to consider is emergency roof repairs costing \$31,570 at the Municipal Building Annex. As the building already has two existing roofs another roof cannot be applied. ADA signage and directories are the second item costing \$4,105 and these will be placed in the Municipal Building. These signs and directories will include braille and will identify all rooms in the building. The third item to consider is new entrance matting and floor protection costing \$1,706 in the Municipal Building and Annex. The fourth item to consider are improvements to Council Chambers costing \$11,000 to include carpet, drapes, wallcovering and sound system. There is a contingency of \$1,619. Council Member Weaver suggested visual presentations should be conducted in a more central location. City Manager Stewart explained there are not a lot of options in redesigning the room, but suggestions will be taken into consideration. Although the drapes have been replaced other improvements have not been made since 1972. Council Member Weaver offered a motion to approve the transfer of funds from reserve for contingencies to general properties. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

Council Member Weaver questioned the difference in speed limits on various streets. City Manager stated most of the speed

limits are based on design standards of the street which includes sight distance. Raising speed limits above the design speed would involve liability.

At 9:22 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia; discussion and consideration of the performance of a department, exempt from public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia; and also consultation with the City Attorney and briefings by staff members pertaining to two (2) proposed contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (7) of the Code of Virginia.

At 10:35 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

At 10:37 p.m., there being no further business and on motion adopted the meeting was adjourned.

 <hr/> CLERK	 <hr/> MAYOR
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REGULAR MEETING

APRIL 26, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Dingledine offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 7:32 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News Record on Tuesday, April 19, 1993:

The Harrisonburg City Council will hold a public hearing on Tuesday, April 26, 1994 at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street.

There will be a public hearing on Tuesday, April 26, 1994, 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 FY95. All person interested will have an opportunity to express their views at this public hearing.

Steven E. Stewart, City Manager

Transportation Director Smith explained this is the annual application for State and Federal funds which are administered through the Virginia Department of Rail and Public Transportation. This application is for operating, fuel, administrative, tires, maintenance money and capital funds. Mr. Smith noted a request has been made to purchase four transit buses replacing buses purchased in 1982. Council Member Weaver questioned whether the required 24 hour notice for the paratransit vehicles was adhered. Mr. Smith stated the Transportation Department recommends adhering to the policy regulations, but the department cannot enforce this issue.

At 7:36 p.m., Mayor Heath closed the public hearing. Council Member Weaver offered a motion for approval of the resolution to make application for State and Federal funds. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 7:37 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News Record on Monday, April 11, and April 18, 1993:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 26, 1994, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider a request to amend the Zoning Ordinance of the City of Harrisonburg.

1. To consider these zoning text amendments and establishment concerning fees.
 - a. Section 10-3-119 (c) (1) & (2). Filing fees appealing to the Board of Zoning Appeals for Variances and appeals from the one hundred dollars (\$100.00) per request to one hundred fifty dollars (\$150.00) per request.
 - b. Section 10-3-104. Filing fees for amendment to the Zoning Ordinance and including the zoning map from one hundred dollars (\$100.00) to three hundred dollars (\$300.00).
 - c. Section 10-3-104. To add a filing fee of three hundred dollars (\$300.00) for each request to amend the Comprehensive Plan to include Land Use Guide.

Information is available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5 p.m.

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

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

Steven E. Stewart, City Manager

Planning Director Turner explained this public hearing is for considering raising fees for two of the procedures that are in the Zoning Ordinance and establishing a fee for another procedure. The amendments to the Zoning Ordinance will increase fees for filing for amendments to the Zoning Ordinance, appeals to the Board of Zoning Appeals and will add a fee for amendments to the Comprehensive Plan. The Planning Commission recommends these fees to cover the direct cost of filings. Mayor Heath requested anyone present desiring to speak in favor of or against the new filing fees amending the Zoning Ordinance. There being no one present desiring to speak either for or against the amendment, the public hearing was declared closed at 7:40 p.m. and the regular session reconvened. These items will appear later on the agenda for Council's action.

City Manager Stewart explained that at Council directions, a

number of Staff members have met with Mr. Clark, Mr. Weaver and representatives from CFW Network Inc. Since these meeting Mr. Clark and CFW's representatives have taken into consideration Staff members suggestions and recommendations on how an ordinance should be prepared.

Mr. Rossberg, Senior Vice-President of CFW Communication Company, stated fiber optic cable is being considered nationwide. CFW Network, Inc. is requesting these changes in Harrisonburg.

Dr. Warren L. Braun, Chairman of the Board of ComSonics, Inc., explained that his company has completed a 30 year study and is looking forward to the various communications of the future so the company's research is profitable. The optical fiber has an enormous advantage of high speed. The future networks will have speeds that are over 10,000 times faster than existing communications today. The proposed ordinance will be reviewed by Staff and brought back to the May 10 meeting.

Council received the following extract from the Planning Commission meeting held on April 20, 1994.

"...Chairman Wassum read the request for a Public Hearing for Sherwin John Jacobs to rezone 9,280 square feet on the north side of East Market Street, 548 East Market Street, from R-2 "Medium Density" Residential to Conditional R-3 for Professional Offices.

Mr. Cook referred to a tax map and described the request and the surrounding properties. He said that the Comprehensive Land Use Guide identifies this area as a Professional Office area. Mr. Jacobs request, with the conditions he has offered for profession office, meets the criteria as identified in the Comprehensive Plan and is therefore recommended for approval.

Chairman Wassum asked if there was anyone that would like to speak for the request.

Sherwin Jacobs said that he intends to renovate the inside and outside of the house since its condition was so bad. He explained that he plans on having 8 offices, renting out all but 2. Parking will provide 16 spaces with 1 handicapped space. Mr. Jacobs described his present facilities and the parking situation.

Dr. Beasley asked if there was an ordinance that considered the amount of parking spaces and did this request meet that requirement. Mr. Cook answered, "Yes it does."

Chairman Wassum asked if there were anyone else that would like to speak for the request. There was no one. Chairman Wassum asked if there was anyone that wished to speak against the request. There was no one. He brought the meeting back to general session.

Dr. Beasley moved to approve the request. Mr. Neff seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner explained that the Planning Commission recommends approving the request of Sherwin John Jacobs to rezone 9,280 square feet on the north side of East Market

Street, 548 East Market Street, from R-2 "Medium Density" Residential to Conditional R-3 for professional offices. Vice-Mayor Neff offered a motion to set a public hearing to consider this rezoning request on May 24, 1994. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on April 20, 1994.

"...Chairman Wassum read the request to amend the Comprehensive Plan's recommended land use classification for a portion of Franklin Street from "Neighborhood Residential" to "Low Density Residential". Chairman Wassum explained that this was a continued Public Hearing and that since the public had the opportunity during the last meeting for input, the meeting would start with discussion among the Commissioner's. Chairman Wassum asked for questions or comments from the Commission.

Mr. Stewart asked Ms. Turner, "How does this section of Old Town differ from the rest of Old Town? He asked if there were any reason we should be looking at the Comprehensive Plan treating this in a different way than the balance of Old Town.

Ms. Turner said that like the rest of Old Town, most of the street has larger homes on lots that have a narrower width. The only substantial difference is that there are homes on Franklin Street, between Monticello and Myers, that are typical ranch style homes. Beyond that, the majority of the lots are typical of the ones we see in Old Town.

Mr. Stewart said, "That being the case, if Planning Commission were to consider a recommendation that this be changed from Neighborhood Residential, what kind of argument could be made for the balance of Old Town to be changed from Neighborhood to Low Density. Ms. Whitten said that she felt that they would find that lower end of Franklin Street is more consistently single family than the upper end.

There was discussion about the possibility of duplexes being built on the undeveloped lots and lot line adjustments to accommodate the building of duplexes. Ms. Turner said that it was R-1 now and if it were to remain "Neighborhood Residential" there would have to be a change of zoning for duplex use.

Ms. Whitten asked if the Commission was satisfied with the understanding the residents had of changing this land use classification. She said that she did understand the reasons for the request but that she felt that it was not in the best interest of the area. This was due to the problems the residents would have to deal with simply obtaining a building permit because of the restrictions of the zoning category. Mr. Homan concurred.

Dr. Beasley asked if this could come under the Grandfather Clause. Mr. Cook explained that the Grandfather Clause exempts existing, any future or any change of use, or any reconstruction structural alterations. Enlargements or additions are not Grandfathered.

Mr. Devin Bent was asked if he felt the residents understood what had been said at previous meetings. He said that the residents have among them a real estate broker, a person who has a Masters in City Planning, a lawyer who was on the Rewrite Committee, several successful business people, and a number of JMU faculty. Mr. Bent stated that they understand the zoning ordinance quite well. Ms. Whitten added that we need to remember that we are looking at the future.

Chairman Wassum said that he thought that the feeling was that the zoning would lead into R-2 the way it is now and would lead into R-1 the way the proposal the neighborhood is making, which may or may not be, since we don't even know what an R-1 or an R-2 zone is going to look like. This will make it doubly hard to say that this is a land use deal that comes down to what the zoning is going to look like. Chairman Wassum said that some of the lots are not up to R-1 standards. He asked Mr. Cook, "If that home burnt down, on the sub-standard lot, can that home be rebuilt?"

Mr. Cook answered that it could not automatically secure a building permit. It would have to go through the Board of Zoning Appeals showing that they could not acquire additional land, that they have a hardship, that their land is not going to be able to be used for anything. At that point they could possibly gain a Variance.

Mr. Stewart asked Mr. Neff what the discussion on the area was when he served on the Comprehensive Plan Committee.

Mr. Neff said that he remembered the intent as being to deal with the whole area of Old Town as being a unique area. Preserving existing historic and natural features, existing landscape, etc., is why that residential was created, for the purpose of dealing with that portion of the City. It was never the intent to consider the increase of density or looking at multi-family or anything of that nature.

Mr. Stewart said that he remembers the language of the Comprehensive Plan talking about preserving the primarily single family characteristics, i.e., large homes with smaller lots.

Mr. Neff said that the concern was in looking to the future, to try to bring most of these properties into a conforming use.

Mr. Cook explained that they actually took duplex out of the regulations as a use permitted by right. It is only allowed as a special use permit in the proposed proposal. The idea is that those that are there and complying could continue to exist. But anyone that would be looking for a quick change to a duplex would have to go through two public hearings.

Dr. Beasley said, "So the people that are concerned in that area are really protected."

Chairman Wassum said that the question before them was do we reconsider changing the land use designation as recommended in the Comprehensive Plan or do we let it remain.

Mr. Homan moved to leave the Land Use, as proposed by the Comprehensive Plan, the way it is. Dr. Beasley seconded. Chairman Wassum asked for a voice vote. Mr. Neff vote yes. Mr. Homan voted yes. Mr. Stewart voted yes. Ms. Whitten voted yes. Dr. Beasley voted yes. Chairman Wassum voted yes. The vote carried...."

Respectfully submitted,
Stacy Turner
Planning Director

Planning Director Turner explained that the Planning Commission recommends keeping the land use classification of "Neighborhood Residential" for this portion of Franklin Street. This is recommended because the neighborhood is intended for larger houses on small lots primarily in the older sections of the City. Council Member Weaver offered a motion to set a public hearing to consider this rezoning request on May 24, 1994. The motion was seconded by Council Member Dingledine, and approved with a

unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on April 20, 1994.

"...Chairman Wassum read the request for a Public Hearing to amend the Comprehensive Plan's recommended land use classification from Neighborhood Residential to Light Industrial. Chairman Wassum explained that this was a continued Public Hearing and that since the public had the opportunity during the last meeting for input, the meeting would start with discussion among the Commissioners. Chairman Wassum asked for questions or comments from the Commission.

Ms. Whitten asked if the compromise discussed at the March 16 meeting was a compromise agreed upon by staff as well as the Mongers. Ms. Turner explained that it was not agreed upon by both parties. It was referred to as a compromise because it was not something that the Comprehensive Plan recommended and yet it was not what the Mongers were asking for in their request. She referred to the Tax Map and explained that the area of land between Old South High Street and Chesapeake Drive is what was requested by R. S. Monger and Sons to be amended to the Light Industrial classification. This would include the area on both sides of Blacks Run. Staff is recommending that only the area on the west side of Black's Run, from Chesapeake Drive to Black's Run be changed. Ms. Whitten asked if staff felt that this would be adequate protection. Ms. Turner replied, "Yes, because you would have the natural boundary of the creek, the topography, and the distance between the uses."

Mr. Homan and Mr. Cook discussed running the boundary along the creek line and straight across the back of the property shown as lots 4 through 12.

Chairman Wassum asked about the status of the land if it were zoned R-2 with industrial uses already existing. Ms. Turner explained that some of it is already zoned industrial and if the zoning were to change, the uses would be non-conforming. Mr. Stewart explained that a property owner or the City would have to request that change. He added that if they did what Mr. Homan was talking about it would protect the integrity of those existing lots. Ms. Turner said that it would give a small area that's not very accessible for industrial use.

Mr. Homan said that he is concerned with the integrity of the lots as well as taking additional property from the residential area. He said he would like to be consistent and leave it where it is, let the property line dictate the line.

Mr. Neff asked if any consideration was given to making some of that planned development. He said that if the concern is that someone could build a high rise industrial facility up against the property fronting on Old South High Street, could not restrictions be provided requiring someone to come to the Planning Commission for approval before the property is developed. This would allow the industrial development of that area. Mr. Neff said that in his opinion, that's the way it needs to move. Leave the industrial land use line so that there is enough frontage for single family R-2 off Old South High Street.

Ms. Turner said that we are still looking at land use but talking about a subsequent zoning classification. Right now we only have M-1 and we cannot rezone to a classification that we do not have. We cannot, ourselves, place conditions on something, they would have to be voluntary proffers. Right now we have no industrial zoning classification that has no uses by rights. The way the ordinance is written and the way it is projected to be rewritten, it would not be a logical sequence to suddenly have a classification where there were no uses permitted by right. Other issues of concern listed were height,

hours of operation, noise levels, dirt and dust, and traffic.

Mr. Homan asked if lots 12, 13, and 14 were resubdivided at the line the Monger's wanted for industrial use, would they be in compliance square footage wise for R-2. Ms Turner reviewed the square footage of the three lots and stated that they would not be in compliance.

Mr. Neff stated that he felt that nothing different was being done than from across the street. Ms. Whitten said, "Except when you look at what could be allowed in Light Industrial besides a lumber yard, the implications can be a lot more serious."

There was discussion regarding students renting the housing on lots 12, 13, and 14

Dr. Beasley moved that the request of the Mongers to amend the Comprehensive Plan's Land Use classification be approved and that this was to include the back portions of lots 12, 13, and 14. The motion was withdrawn after clarification that height restrictions could not be included.

Further discussion included the final draft of the Zoning and Subdivision Ordinance and creating a zoning classification for this area. Ms. Turner stated that it would at this point, be too late to create a new land use category for the draft ordinance. There was discussion as to whether Planning Commission could recommend a change before it was approved. Mr. Neff thought the Planning Commission could ask the Rewrite Committee to consider a new land use category. He said that if that area is going to continue to be considered for residential with M-1 backing up to it, it bears consideration for height of other facilities that could develop in that same area.

Mr. Homan said that his concern is that if they were just dealing with the Mongers there would be less issue, but anyone could locate there.

Chairman Wassum said that the question is, "Do we locate the land use line along the compromised line of Blacks Run or go back to the line that is presently in line with topographical features of the area."

Ms. Turner stated that in the Ordinance they are working on, there is a Light Industrial classification with a lower height restriction than what we now have. There are also things that are not permitted in that district that we have permitted in our industrial district now. She said that the incompatibility between industrial and residential is being worked on.

Mr. Neff said that a decision needs to be made and moved to amend the Comprehensive Plan as requested by the Mongers, with the Light Industrial land use line following the topography and not Blacks Run, to include the backs of lots 12, 13, and 14.

Chairman Wassum asked for a voice vote. Mr. Neff voted yes. Mr. Homan voted no. Mr. Stewart voted no. Ms. Whitten voted no. Dr. Beasley vote yes. The Chair voted yes. The vote was 3 to 3, failing due to the lack of a majority vote.

Further discussion included another approach. Mr. Stewart said that staff's concerns continue to be lots 12, 13, and 14 and the encroachment. He said that he would be supportive of something other than the original compromise. Mr. Stewart said that he agrees that this could probably someday go all light industrial and the action the City takes to further the encroachment of industrial property is going to make that happen much sooner. Mr. Stewart felt that following the existing lot lines would be something he would be willing to consider.

Mr. Monger discussed with the Commission the actual lots that the Mongers owned in the area. The Commission considered other options.

Mr. Homan moved to recommend amending the Land Use Guide to include in the Light Industrial classification the area within the present M-1 zoning line, excluding lots 12, 13, and 14. After more discussion Ms. Whitten seconded the motion. Chairman Wassum asked for a voice vote. Mr. Neff voted no. Mr. Homan voted yes. Mr. Stewart voted yes. Ms. Whitten voted yes. Dr. Beasley voted yes. Chairman Wassum voted yes...."

Respectfully submitted

Stacy Turner
Planning Director

✓ Planning Director Turner explained that the Planning Commission recommends amending the Land Use Guide to include in the Light Industrial classification for the area presently zoned M-1, between Chesapeake Drive and South Main Street and Bruce Street and the Cantrell Avenue Bridge, which excludes lots 12, 13 and 14 on the east side of Old South High Street. Ms. Turner stated that this recommendation was referred to as a compromise because it was not something that the Comprehensive Plan recommended and yet it was not what the Mongers were asking for in their request. Council Member Weaver offered a motion to set a public hearing on May 24, 1994. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that utility accounts date back through 1992 and have gone through the delinquent billing process and have been determined to be uncollectable. The total amount determined as uncollectable is \$8,514.42 which combined with what was written off in October amount to .17% of the total amount billed during that time period. Council Member Weaver offered a motion to approve writing off these uncollectable accounts. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that the State code requires that prior to making appointments to the School Board, Council must hold a public hearing. Following further discussion, it was decided Council will conduct personal interviews of the nominees and applicants whose names are considered at the public hearing. Council Member Weaver offered a motion to set a public hearing on May 24, 1994 to accept appointments to the School Board. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that this is a joint project with the County to consider awarding a bid to Shentel Service Company for jail communication equipment. The low bid of \$20,195.00 includes superflex cable to be provided at a cost of \$3.10 per foot, if needed. Council Member Weaver offered a motion to accept the bid of Shentel Service Company for jail communication equipment. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 10-3-114 of the Harrisonburg City Code. This item adds a fee of \$300.00 for amendments to the comprehensive plan and increases the fee to \$300.00 for amendments to the zoning map. Council Member Dingledine offered a motion that section 10-3-114 be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 10-3-119 (c) (1) & (2) of the Harrisonburg City Code. This item increases the fee to \$150.00 per request for appeals to the board of zoning appeals and for application for variances. Vice-Mayor Neff offered a motion that section 10-3-119 be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from Building Official John Byrd for approval of transfer funds to General Properties to cover budget shortages. Council Member Weaver offered a motion for appropriation to be approved for a first reading, and that:

- \$10,000 chge to: 1000-910311-45350 Motor Vehicle Insurance
- 1,000 chge to: 1000-910311-45360 Surety Bonds

- \$7,000 approp. to: 1000-430221-45114 Electricity-409 S. Main
- 4,000 approp. to: 1000-430221-45122 Heating-409 S. Main

The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council. City Manager Stewart explained this is not an increase in the budget only transferring funds of \$11,000 into the General Properties budget to cover a short-fall in electricity and heating needs for the Municipal Annex building.

City Manager Stewart presented a request from Superintendent Hiner for approval of transfer funds to appropriate unanticipated additional funds from the Federal Government under the Chapter 1 Program. Vice-Mayor Neff offered a motion for appropriation to be approved for a first reading, and that:

\$52,795 chge to: 1111-33301 School Revenue-Federal

- \$52,045 approp. to: 1111-40610 Instruction
- 750 approp. to: 1111-40650 Other Noninstruction

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council. Council Member Weaver questioned the study conducted of the City showing poverty rate increasing at a decreasing rate. She wanted to know if the same conclusion had been reached by schools statistics figures. Mr. Triplett stated the Chapter 1 money is based on the 1990 federal census and will identify students needs mainly in the reading

program. Council Member Weaver noted Council recognizes there are poverty people in Harrisonburg, but the picture is brighter than the previous five years.

City Manager Stewart presented a request from Finance Director Seal for approval of additional appropriation in the amount of \$245,400, for increasing the budget for Joint Operations. Council Member Dingledine offered a motion for appropriation to be approved for a first reading, and that:

\$45,400 chge to: 1000-31111 Real estate tax - Current year
 50,000 chge to: 1000-31112 Real estate tax - Delinquent
 150,000 chge to: 1000-31121 Personal property - Current year

\$11,400 approp. to: 1000-910511-43361 Maint. & rep. -
 301 South Main Street
 16,000 approp. to: 1000-910511-43860 Rockingham County
 218,000 approp. to: 1000-910511-48108 Courthouse renovation

The motion was seconded by Council Member Weaver, and approved with a majority recorded vote of Council with one abstention by Vice-Mayor Neff. City Manager Stewart explained this involves the joint operations with Rockingham County including renovating the Courthouse. Mr. Stewart noted improvements were also made to the Sipe House to accommodate the courts operating in the facility during the renovation. Council Member Green suggested Council should be brought up to-date concerning this revenues for the current year. Mr. Stewart stated that Council receives a financial statement each month, but this information will be provided at the next Council meeting.

City Manager Stewart presented a request from Police Chief Harper for approval of additional appropriation in the amount of \$2,466, for increasing the budget for a DMV grant. Council Member Weaver offered a motion for appropriation to be approved for a first reading, and that:

\$2,466 chge to: 1000-32520 DMV - Police Grant

\$248 approp. to: 1000-310131-46010 Office supplies
 2,218 approp. to: 1000-310131-48111 Machinery and equipment

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council. City Manager Stewart explained this is a grant the Police Department applied for and received from the Department of Motor Vehicles.

City Manager Stewart explained City Treasurer Miller is requesting an additional \$500.00 appropriation so each employee in the Treasurer's office can maintain their own cash drawer. Council Member Weaver offered a motion to approve the Treasurer's request for an additional \$500.00 in cash to allow each employee to maintain a separate cash drawer. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote

REGULAR MEETING

MAY 10, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Bonnie Ryan and Chief of Police Donald Harper.

Council Member Dingledine offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Mayor Heath introduced and welcomed Hugh Lantz, a newly elected Council Member, who will take office on July 1, 1994.

At 7:32 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News Record on Monday, May 2, and Tuesday, May 3, 1994:

CITY OF HARRISONBURG

✓ **PROPOSED BUDGET FOR FISCAL YEAR ENDING JUNE 30, 1995**
For information and fiscal planning purposes only.

A public hearing will be held by the Harrisonburg City Council on Tuesday May 10, 1994 at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.

<u>Revenues</u>	<u>Revised 1993-94</u>	<u>Proposed 1994-95</u>
General	36,497,303	35,779,441
School	23,057,433	24,328,779
Social Services	1,779,272	1,661,567
Water	4,261,230	3,946,276
Sewer	4,670,940	4,481,662
Public Transportation	2,739,799	2,644,264
Sanitation	4,319,354	3,917,658
Parking Authority	- 0 -	173,400
Central Garage	252,219	247,605
Central Stores Operating	<u>82,620</u>	<u>70,998</u>
Total	77,660,170	77,251,650
Inter Fund transfers	<19,310,388>	<18,959,300>
Net	<u>58,349,782</u>	<u>58,292,350</u>

<u>Expenditures</u>	<u>Revised 1993-94</u>	<u>Proposed 1994-95</u>
General	36,497,303	35,779,441
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Inter Fund Transfers	<u><19,310,388></u>	<u><18,959,300></u>
Net	<u>58,349,782</u>	<u>58,292,350</u>

Copies of the proposed budget in its entirety are available for public review in the City Manager's office, 345 South Main Street, Harrisonburg, Virginia, and the Rockingham Public Library, 45 Newman Avenue, Harrisonburg, Virginia. The proposed budget reflects no Real Estate or Personal Property tax increase. A 9% increase in sewer fees is proposed. No water rate increase is proposed.

Steven E. Stewart
City Manager
City of Harrisonburg

City Manager Stewart briefly reviewed the 1994-95 Budget with City Council. A presentation was made to Council on April 12, and this document has been available to the public. There is no proposal for any tax or fee increases in the general fund for fiscal year 94-95. Mr. Stewart noted the budget does meet Council's cost containment goal reduction of expenditures of 1.5% to 2.0% with a minimum impact on service delivery. The recommended school funding has been increased by 4 1/2% over the current year, it has been proposed to add a crime prevention officer in the Police Department, installing new traffic signals at Vine Street and Old Furnace Road and at Mt. Clinton Pike and North Main Street. Also, increased funding for the Visitors and Convention Bureau, Health Department, Library and Community Services Board. Mr. Stewart stated the focus during the budget process was concentrated on reducing costs where possible, but also to make sure items were not delayed that would prove more costly over the long haul if delayed. The three major areas of reduced expenditures are the proposed landfill consolidation with Rockingham County, going to the once per week residential garbage collection and selling the taxi system by January, 1995. Mr. Stewart noted several inquiries have been made about garbage collection if a holiday falls on a Monday. He said garbage will be collected the next regular work day or if there is inclement weather the City will collect garbage the next working day. Mr. Stewart stated the only rate increase in

the budget is the 9% increase in sewer rates. The sewer rate increase is the second part of the planned two-step increase begun in last year's budget. Originally, the increase was planned to be 16%. Mr. Stewart thanked Council for giving Staff a clear direction of what was expected in the budget process and particularly all the City employees for their efforts in meeting the directions given by Council. Mayor Heath stated the City Manager and Staff have done an excellent job in meeting the directions given by Council.

Rachel Hollis - 165 Diamond Court and a representative of Greener Harrisonburg, stated the mission of Greener Harrisonburg is the beautification of the City through horticulture. She said people living and working together to promote the best use of all the assets and resources is the quality of life in the Shenandoah Valley. Greener Harrisonburg has requested funding from the City for beautification efforts throughout the City because they feel their efforts are a valuable effort to the City and add to the quality of life. Ms. Hollis said because a City's needs are constantly changing, part of the responsibilities of elected officials, planners and the City Manager are to take care of the present and articulate a vision for the future. She stated Greener Harrisonburg requests that City Council endorse a position of arborist or horticulturist who can develop a master plan, hold educational workshops, apply for grants for trees and direct volunteer projects. She said Greener Harrisonburg further requests that Council adopt the tree policy working group comprehensive plan and also establish a tree commission.

Council Member Green stated he is opposed to the once-a-week trash collection. He noted several reasons one of those being it is a service the City charges the public and the other reason is that it could become a public health problem. He said there are vermin turning over trash cans and how is the City saving any money by going to the once-a-week service. Mr. Green also noted he has observed a large collection of garbage on the parking decks. Council Member Dingledine objected to businesses putting trash out on Saturday and Sunday. Street Superintendent Baker noted proposed changes to the City's solid waste ordinance and stricter enforcement will help take care of those kind of problems. Mr. Stewart noted the City will still continue three pick-ups per week, one regular, one recycling and bulk pick-up. The five-day per week commercial collection will continue, the special pick-up with some modifications will continue. From April 1 through September grass clipping and other items that can be composted will be picked up weekly. Other bulk items will be picked up one Wednesday a month in each quadrant of the City.

At 8:00 p.m., Mayor Heath closed the public hearing. He noted the actual appropriation ordinance is item #16 on the agenda, and at that time an opportunity will be available to make corrections to the budget.

✓ City Manager Stewart presented for Council consideration adoption of an ordinance allowing CFW Networks, Inc. to construct

a fiber optic communication system for a first reading. Vice-Mayor Neff offered a motion to approve for a first reading this ordinance as amended with the words non exclusive and revocable inserted in paragraph one in the ordinance. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented the following resolution for Council's consideration of approval:

WHEREAS, The Rion-Bowman Veterans of Foreign Wars Post 632, has requested that the East Market Street (Route 33) Bridges over Interstate 81 be named as Veterans of Foreign Wars Bridge in recognition of the 50th anniversary of the Normandy invasion, and

WHEREAS, 139 men from Harrisonburg and Rockingham County, some of whom were members of the 116th Infantry Division of the Virginia National Guard, gave their lives in World War II, some in the Normandy Invasion;

NOW, THEREFORE, BE IT RESOLVED THAT the Harrisonburg City Council hereby requests the Virginia Department of Transportation to give favorable consideration to naming the East Market Street Bridges over Interstate 81 the "Veterans of Foreign Wars Bridge".

ADOPTED and APPROVED this _____ day of _____, 1994.

MAYOR

ATTEST:

CLERK OF COUNCIL

✓ Jim Werner explained to City Council that the Veterans of Foreign Wars are in the process of a five-year plan for the dedication and recognition of World War II. He said Harrisonburg has been designated as a Commemorative Community for World War II. Mr. Werner said a three day ceremony has been planned beginning on June 3rd and will conclude with celebrating the 50th anniversary of the Normandy Invasion. The Veterans of Foreign Wars have proposed a resolution requesting the Virginia Department of Transportation to name the East Market Street Bridges over I-81 as the Veterans of Foreign War Bridges. The sign will be placed in the median area of Route 33 and the cost will be absorbed by VFW Post 632. Council Member Weaver objected to the size of a 4x6 sign being placed in the median area. Council requested a simple sketch of the sign. Council Member Green offered a motion to adopt the resolution naming the East Market Street (Route 33) bridges over Interstate 81 as Veterans of Foreign Wars Bridge, but to discuss the details of the size of the sign at a later date. The motion

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

REVISED DRAFT OF MISSION STATEMENT
MARCH 22, 1994

The purpose of the Committee for Downtown Harrisonburg is to secure a vital future for Downtown Harrisonburg by identifying avenues of opportunity for its revitalization and by making recommendations for action that will benefit and enhance the economic, cultural and social environment of the community at large.

In carrying out this mission, the Committee of Downtown Harrisonburg is committed to the following goals:

1. to foster a spirit of cooperation and collaboration among members of the community;
2. to assess the status of the downtown area and make recommendations for potential improvements;
3. to develop a concept for unifying the revitalization efforts;
4. to determine funding opportunities and acquire funding;
5. to conduct attitudinal, image and impact studies to substantiate recommendations; and
6. to guide and assist in the Downtown revitalization process, working closely with the City Council and other key constituencies important to the Downtown's future, by *providing a status report and recommendations to the City Council on a quarterly basis*

✓ City Manager Stewart explained that the Committee has requested that Council endorse its mission statement. Mayor Heath explained that the current Committee for Downtown Harrisonburg has a lot of strength and broad spectrum of the community and interested people. The Committee's primary purpose is to make recommendations to Council on ways to secure the future vitality of downtown Harrisonburg. Council Member Dingledine as a member of this committee explained this is a very enthusiastic committee and everyone feels like this is a good start. She said the committee has held three meeting and would like to present a report to Council. Vice-Mayor Neff requested some clarification on number four on the mission statement, and noted the statement should read to determine funding opportunities and assist in acquiring funding. Council Member Dingledine as a representative on the committee will note the word change and add "assist in acquiring funding". Vice-Mayor Neff offered a motion to approve the mission statement for Committee for Downtown Harrisonburg. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart explained that there is a new federal requirement for non-profit organizations to have certification from the City to allow them to apply for Federal Shelter Grants (FSG).

City Manager Stewart stated that the City has been asked by First Step, Mercy House and the Salvation Army to provide this certification. Captain Hawley of the Salvation Army stated the FSG grants represent a large amount of funding helping the Salvation Army with their shelter programs. Captain Hawley presented Mayor Heath and the City of Harrisonburg with a small engraved replica of the Salvation Army's kettle. Council Member Dingledine offered a motion that the City approve these organizations to apply for FSG funds and the City Manager be authorized to sign the certification forms. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a certified receipt of 1994 Council election results provided by City Registrar Long.

Larry M. Rogers	1,872	Joseph D. Eney	1,580
Hugh J. Lantz	1,767	Curtis F. Kite	1,197

City Manager Stewart explained a request for communications equipment is part of the continuing relocation of the Sheriff department. This request involves new consoles consisting of relocating one existing console, purchasing a second console and possibly purchasing a third console. Mr. Stewart stated all of the cost will be handled by money received from the U.S. Marshal's office in exchange for 22 beds in the new jail facility. Mr. Stewart stated this is part of the planned relocation plan for the new jail facility. Council Member Weaver offered a motion to authorize the City Manager to award this contract for console upgrades in the Sheriff's department. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

City Manager Stewart introduced a proposed revised solid waste ordinance that has two parts. Mr. Stewart stated the first part includes the once per week residential garbage collection and the second part is the proposal to consolidate landfill operations with Rockingham County. He said both the City and County will need to make changes in their solid waste ordinances. Street Superintendent Baker explained that the City had contacted the cities of Blacksburg, Waynesboro and Winchester for information and had patterned a lot of comments and suggestions in the ordinance from those cities. He said those cities have once per week residential garbage pick-up. Mr. Baker referred to changes in the ordinance which includes once a week refuse collection from residential householders, smaller containers being used and maximum weight of 75 pounds. In section 6-2-32 a change will be refuse placed for removal which is unacceptable shall be removed from the pick-up point on the same day as it was placed on the street. Mr. Baker also mentioned bulk limit units, unacceptable refuse, refuse disposal, multi-family and boarding houses. Mr. Baker noted the street department can provide once-a-week refuse service with the reduced staff, but these ordinances are needed in order to accomplish this service. Mayor Heath suggested a requirement of better sealed container in areas of multi-housing. Mr. Baker

stated multi-family projects and boarding houses are required to provide an adequate storage facility. Director of Solid Waste Holsten explained the second part referred to in the ordinance concerning commercial refuse vehicles presented some challenges with the arrangement with Rockingham County. He said changes include allowing the department to police and control solid waste materials that are presented for disposal due to the confined deposal sites. He stated all private haulers will need to be issued a nominal fee license. Vice-Mayor Neff offered a motion to set a public hearing to consider these proposed ordinances on June 14, 1994. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 10-3-104 of the Harrisonburg City Code. This item adds a fee of \$300.00 for amendments to the comprehensive plan and increases the fee to \$300.00 for amendments to the zoning map. Council Member Weaver offered a motion that section 10-3-104 be approved for a second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 10-3-119 (c) (1) & (2) of the Harrisonburg City Code. This item increases the fee to \$150.00 per request for appeals to the board of zoning appeals and for application for variances. Council Member Weaver offered a motion that section 10-3-119 be approved for a second reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from Superintendent Hiner for approval of transfer of funds to appropriate unanticipated additional funds from the Federal Government under the Chapter 1 Program. Council Member Weaver offered a motion for appropriation to be approved for a second reading, and that:

\$52,795 chge to: 1111-33301 School Revenue-Federal

\$52,045 approp. to: 1111-40610 Instruction
750 approp. to: 1111-40650 Other Noninstruction

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

City Manager Stewart presented a request from Finance Director Seal for approval of additional appropriation in the amount of \$245,400, for increasing the budget for Joint Operations. Council Member Dingledine offered a motion for appropriation to be approved for a second reading, and that:

\$45,400 chge to: 1000-31111 Real estate tax - Current year
50,000 chge to: 1000-31112 Real estate tax - Delinquent
150,000 chge to: 1000-31121 Personal property - Current year

**\$11,400 approp. to: 1000-910511-43361 Maint. & rep. -
301 South Main Street**
16,000 approp. to: 1000-910511-43860 Rockingham County
218,000 approp. to: 1000-910511-48108 Courthouse renovation

The motion was seconded by Council Member Weaver, and approved with a majority recorded vote of Council with one abstention by Vice-Mayor Neff. City Manager Stewart explained this involves the joint operations with Rockingham County including renovating the Courthouse.

City Manager Stewart presented for Council's consideration of a first reading an agreement with Rockingham County for the purpose of consolidating landfill operations. Mr. Stewart stated this will enable the City to close the existing landfill and not to proceed with the development of a new landfill. It will allow the County to save money because the City will share in the capital cost of making improvements to the County landfill. He noted it will allow the City to use the resource recovery facility to a greater extent than in the past. Vice-Mayor Neff offered a motion that this agreement be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Mayor Heath introduced the adoption of the 1994-95 appropriation ordinance for a first reading. He stated this ordinance can be approved without reading and this ordinance contains the budget information in a condensed form. Council Member Weaver offered a motion that this 1994-95 appropriation 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 Stewart presented a request from Police Chief Harper for approval of additional appropriation in the amount of \$2,466, for increasing the budget for a DMV grant. Council Member Weaver offered a motion for appropriation to be approved for a second reading, and that:

\$2,466 chge to: 1000-32520 DMV - Police Grant

\$248 approp. to: 1000-310131-46010 Office supplies
2,218 approp. to: 1000-310131-48111 Machinery and equipment

The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council. City Manager Stewart explained this is a grant the Police Department applied for and received from the Department of Motor Vehicles.

City Manager Stewart explained City Treasurer Miller is requesting an additional \$500.00 appropriation so each employee in the Treasurer's office can maintain their own cash drawer. Council Member Weaver offered a motion to approve the Treasurer's request for a second reading for an additional \$500.00 in cash to allow

each employee to maintain a separate cash drawer. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

At 9:22 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, Board of Public Welfare, Blue Ridge Diversionary Program Community Corrections Resources Board and the performance of a City department exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia; discussion and consideration of the disposition of publicly held property, exempt from public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia; and also consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (7) of the Code of Virginia.

At 10:30 p.m., the executive session was declared closed and the regular session reconvened. Mayor Heath 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.

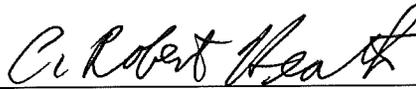
Council Member Weaver offered a motion that Joan Kosnik, 481 East Market Street, be appointed to a second term on the Blue Ridge Diversionary Program Community Corrections Resources Board to expire on June 30, 1995. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion to grant the City Manager a car allowance of \$350.00 per month effective July 1, 1994, plus IRS per mile allowance (currently 28 cents) for all travel with destinations outside the City and Rockingham County. The City Manager will provide his own vehicle and pay for all associated expenses. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

At 10:45 p.m., there being no further business and on motion adopted the meeting was adjourned.



CLERK



MAYOR

REGULAR MEETING

MAY 24, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Vice-Mayor Neff offered a motion to approve the minutes as corrected and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Mayor Heath introduced and welcomed Larry Rogers, a newly elected Council Member, who will take office on July 1, 1994.

At 7:32 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News Record on Thursday, May 12, and Friday, May 13, 1994:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 24, 1994, at 7:30 P.M., in the City Council Chambers, 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, 1994, and be for a three year term to June 30, 1997.

Pursuant to Section 22.1-29.1 of the Code of Virginia, 1950, as amended, no nominee or applicant whose name is not considered at a public hearing shall be appointed as a School Board member.

Personal interviews of the nominees and applicants whose names are considered at the public hearing will be conducted at City Council's regular meeting held on June 14, 1994.

Steven E. Stewart
City Manager

Mayor Heath read the names of the following persons who have indicated a desire to be considered for the School Board: C. Danny Woodruff, Wayne A. Wright, Donn E. Meyerhoeffler, Gary L. Wilson, Jeanne Wenos, Lisa F. Giovanetti, and Diane Foucar-Szocki. Mayor Heath called on anyone present desiring to be heard concerning the School Board appointments.

Jeanne Wenos, expressed her desire to serve on the School Board. Danny Woodruff, stated that he has enjoyed serving on the School Board the past three years.

Wayne Wright, stated he would like to make use of the experience he has gained during the past three years on the board.

Diane Foucar-Szocki, stated after the urging of others, she is submitting her name for consideration as a School Board member. She said it will be an honor to serve her community through this very important work. Council will be conducting interviews on June 14th in a closed session. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m, and the regular session reconvened.

City Manager Stewart presented the following resolution for Council's consideration of approval:

WHEREAS, Nielsen Construction Company, Incorporated, is a general contractor located in the City of Harrisonburg.

WHEREAS, Councilman John N. Neff is a principal owner and President of Nielsen Construction Company, Incorporated.

WHEREAS, the Harrisonburg City School Board is in the process of soliciting competitive sealed bids on projects for renovations and improvements to Thomas Harrison Middle School and Waterman Elementary School.

WHEREAS, the Council has established a need for the same or substantially similar goods through purchases prior to the election of John N. Neff to the Council.

WHEREAS, Virginia Code 2.1-639.7B3 requires the City Council to determine whether it is in the public interest for one of its members to bid on such contracts.

NOW THEREFORE, in compliance with the provisions of Virginia Code 2.1-639.7B3 BE IT RESOLVED that it is in the public interest for Nielsen Construction Company, Incorporated, of which Councilman John N. Neff is a principal owner, to bid on such contracts with the City School Board to make renovations and improvements to Thomas Harrison Middle School and Waterman Elementary School.

ADOPTED AND APPROVED THIS _____ day of _____, 1994.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Manager Stewart explained that Nielsen Construction Company is requesting approval to bid on projects for renovations and improvements to Thomas Harrison Middle School and Waterman

Elementary School. Vice-Mayor Neff is the President and Chief Executive Officer of Nielsen Construction Company. He said that Vice-Mayor Neff has been bidding on these school projects, but because of the potential conflict of interest has always abstained from voting on the issue at Council meetings. Council Member Weaver offered a motion for approval of this resolution allowing Nielsen Construction Company to bid on these projects. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council with one abstention by Vice-Mayor Neff.

✓ City Manager Stewart presented to Council a request to close portion of alley behind 488 South Mason Street. Council Member Dingleline offered a motion to refer this item to the Planning Commission. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration adoption of an ordinance allowing CFW Networks, Inc. to construct a fiber optic communication system for a second reading. Council Member Weaver offered a motion to approve for a second reading this ordinance allowing CFW Networks, Inc. to construct a fiber optic communication system. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

WHEREAS, CFW Network, Inc., a wholly owned subsidiary of CFW Communications Company (CFW) desires to install certain of its communication lines and equipment in the City of Harrisonburg, Virginia; and

WHEREAS, pursuant to an agreement between Harrisonburg Electric Commission (HEC) and CFW, HEC has agreed to permit CFW to attach cables wires and appliances to HEC poles; and

WHEREAS, CFW has requested permission of the City of Harrisonburg to encroach with overhead cable, poles, conduit and related equipment over, under and along the City streets and sidewalks for the purpose of constructing a fiber optic communications system.

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

1. CFW and successors in title, hereinafter referred to as "Licensee", is hereby permitted to encroach with overhead cable, poles, conduit and related equipment, over, under and along the City streets and sidewalks for the purpose of constructing a high capacity fiber optic communication system within the City. This non exclusive and revocable license shall continue until such time as the encroachments or a substantial part or parts thereof shall be removed or destroyed.

2. That the permission granted in this ordinance is granted upon and subject to the following additional term and conditions:

- (a) That all cost shall be borne by the Licensee.
- (b) That the Licensee, or any contractor it shall employ shall construct, repair, maintain, operate and remove the overhead and underground cables and conduit and related, equipment in a manner satisfactory to the City Engineer. Such communications facilities shall be installed and maintained in accordance with the National Electric Safety Code and in accordance with provisions of any applicable building code.
- (c) That Licensee, or its contractor, shall secure necessary work permits prior to commencing work.
- (d) That any portion of any public street and any public utility that may be disturbed or destroyed by reason of the construction, reconstruction, repair, maintenance, or removal of said encroachments shall be restored and replaced in a manner satisfactory to the City Engineer and with materials approved by him.
- (e) Upon request of the City, Licensee shall within a reasonable time, relocate any of the facilities herein permitted as a part of any public improvement project at its sole expense to the extent not financed by state and federal funding.
- (f) That the Licensee shall indemnify, keep and hold the City free and harmless from liability on account of injury or damage to persons, firms and corporations and property growing out of such use of the streets and sidewalks and the, maintenance, repair, operation and removal of the encroachments, and in the event that suit shall be brought against the City, either independently or jointly with the Licensee on account thereof, the Licensee shall defend the City in any such suit at its cost, and in the event of a final judgment being obtained against the City either independently or jointly with the Licensee, it shall pay such judgment and all costs and hold the City harmless therefrom.
- (g) That the Licensee shall furnish the City a certificate of insurance not less than \$1,000,000 to cover the injury or death of persons and damage to property resulting, from the construction, maintenance, operation and removal of: the encroachments. The Licensee shall pay for all premiums chargeable for the insurance and shall keep the same in full force and effect at all times during the construction, maintenance, operation, repair, existence and removal of the encroachments. The insurance shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty days after written notice to that effect is given to the City.
- (h) The Licensee shall furnish the City a bond with corporate surety or an irrevocable letter of credit approved by the City

Attorney in a sum to be determined by the City Manager, or his designee, based upon the work to be done as approved from time to time, conditioned upon the removal of the encroachments and replacement and installation of any public facility or utility, either municipally or otherwise owned, damaged, disturbed or destroyed thereby in a manner, with such materials and to the satisfaction of the City Engineer when ordered to do so by the City Manager, or upon repeal of this ordinance, or upon the failure, refusal or neglect of the Licensee to comply fully and in all respects with the provisions of this or any other ordinance relating thereto. The Licensee shall pay all premiums chargeable for the bond and shall keep the same in full force and effect, or in lieu thereof said irrevocable letter of credit shall remain in force at all times during the existence and removal of the encroachments and replacement and restoration of any public utility damaged, disturbed or destroyed thereby. A bond, if furnished, shall contain provision that it shall not be terminated or otherwise allowed to expire prior to sixty days written notice to that effect, given to the City Manager.

(i) This ordinance is adopted pursuant to the power granted the Council by law. It is not intended by the adoption, of this ordinance to offer or grant a franchise.

(j) Upon the failure, refusal or neglect of the Licensee to comply with the provisions of this ordinance the City shall have the right to perform the Licensee's obligations under this ordinance at the Licensee's cost and expense without liability to the Licensee for damages sustained on account thereof.

(k) Licensee will not commence work on the project described herein or any part thereof until the plans therefore have been approved by the City Engineer.

3. This ordinance shall be in force upon adoption and shall become effective when within twelve months of the date of adoption, the Licensee and its contractors, if any, shall furnish the required insurance and the Licensee furnishes the bond or letter of credit and files with the City Clerk written statement in form satisfactory to the City Attorney to the effect that the Licensee agrees to the terms and conditions upon which such permission is granted and agrees to be bound thereby and to observe and comply therewith. Licensee shall be responsible for furnishing all documents and performing all such acts as may be requisite for this ordinance becoming effective.

ADOPTED AND APPROVED this _____ day of _____, 1994.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

✓ Mayor Heath introduced the adoption of the 1994-95 appropriation ordinance for a second reading. He said this ordinance contains the budget information in a condensed form. Council Member Dingledine offered a motion that this 1994-95 appropriation ordinance be approved for a second reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

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, 1995

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1995. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENTS; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

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

SECTION I - GENERAL FUND (1000)

That the following sums of money be and the same hereby are appropriated for the general government purposes herein specified for the fiscal year ending June 30, 1995:

Paragraph One - City Council and Clerk (110111)

For the current expenses and capital outlay of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of ninety-one thousand, three hundred fifty-five dollars and no cents (\$91,355.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$33,330.00
(2) Other Operating Expenses	53,025.00
(3) Capital Outlay	5,000.00

Paragraph Two - Office of City Manager (12011)

For the current expenses of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of two hundred seventy-one thousand, four hundred two dollars and no cents (\$271,402.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|--------------|
| (1) Personal Services | \$189,748.00 |
| (2) Other Operating Expenses | 81,654.00 |

Paragraph Three - Office of City Attorney (120411)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of forty thousand, five hundred fifty dollars and no cents ((\$40,550.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Other Operating Expenses | \$40,550.00 |
|------------------------------|-------------|

Paragraph Four - Office of Human Resources (120511)

For the current expenses and capital outlay of the OFFICE OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of twenty-nine thousand, three hundred forty-nine dollars and no cents (\$29,349.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Personal Services | \$17,643.00 |
| (2) Other Operating Expenses | 6,706.00 |
| (3) Capital Outlay | 5,000.00 |

Paragraph Five Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of twenty-one thousand, two hundred dollars and no cents (\$21,200.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Other Operating Expenses | \$21,200.00 |
|------------------------------|-------------|

Paragraph Six - Commissioner of Revenue (120912)

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 seventy thousand, eight hundred fifty-three dollars and no cents (\$270,853) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|--------------|
| (1) Personal Services | \$192,195.00 |
| (2) Other Operating Expenses | 75,158.00 |
| (3) Capital Outlay | 3,500.00 |

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of forty thousand, three hundred thirty dollars and no cents (\$40,330.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Personal Services | \$20,000.00 |
| (2) Other Operation Expenses | 20,330.00 |

Paragraph Eight - Board of Equalization (121112)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of five thousand, eight hundred dollars and no cents (\$5,800.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|------------|
| (1) Other Operating Expenses | \$5,800.00 |
|------------------------------|------------|

Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlay of the CITY TREASURER, a division of the General and Financial Administration, the sum of two hundred fifty-six thousand, thirty-six dollars and no cents (\$256,036.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|--------------|
| (1) Personal Services | \$178,923.00 |
| (2) Other Operating Expenses | 82,113.00 |
| (3) Capital Outlay | 4,000.00 |

Paragraph Ten - Department of Finance (121511)

For the current expenses of the DEPARTMENT OF FINANCE, a division of the General and Financial Administration, the sum of two hundred forty thousand, eight hundred eighty-one dollars and no cents (\$240,881.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|--------------|
| (1) Personal Services | \$176,330.00 |
| (2) Other Operating Expenses | 64,551.00 |

Paragraph Eleven - Retirement Board (121711)

For the current expenses and contributions of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of fifteen thousand dollars and no cents (\$15,000.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Other Operating Expenses | \$15,000.00 |
|------------------------------|-------------|

Paragraph Twelve - Data Processing (122011)

For the current expenses and capital outlay of the DATA PROCESSING, a division of the General and Financial Administration, the sum of seventy-six thousand, seven hundred thirty-eight dollars and no cents (\$76,738.00) is appropriated from the General Fund to be apportioned as follows:

- | | |
|------------------------------|-------------|
| (1) Personal Services | \$35,476.00 |
| (2) Other Operating Expenses | 35,262.00 |

(3) Capital Outlay 6,000.00

Paragraph Thirteen - Purchasing Agent (122211)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of eighty-eight thousand, five hundred ninety-nine dollars and no cents (\$88,599.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$57,649.00
 (2) Other Operating Expenses 30,950.00

Paragraph Fourteen - Delinquent Tax Collector (122413)

For the current expenses of the DELINQUENT TAX COLLECTOR, a division of the General and Financial Administration, the sum of thirty-eight thousand, six hundred seventy-eight dollars and no cents (\$38,678.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$35,000.00
 (2) Other Operating Expenses 3,678.00

Paragraph Fifteen - Electoral Board and Officials (130114)

For the current expenses and capital outlay of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of seventy-one thousand, nine hundred twelve dollars and no cents (\$71,912.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$45,240.00
 (2) Other Operating Expenses 23,672.00
 (3) Capital Outlay 3,000.00

Paragraph Sixteen - Police Department (310131)

For the current expenses and capital outlay of the POLICE DEPARTMENT, a division of the Department of Public Safety, the sum of two million, five hundred ten thousand, one hundred nineteen dollars and no cents (2,510,119.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$1,645,496.00
 (2) Other Operating Expenses 748,723.00
 (3) Capital Outlay 115,900.00

Paragraph Seventeen - Fire Department (320132)

For the current expenses and capital outlay of the FIRE DEPARTMENT, a division of the Department of Public Safety, the sum of two million, seventy-two thousand, five hundred forty-nine dollars and no cents (\$2,072,549.00) is appropriated from the

General Fund to be apportioned as follows:

(1) Personal Services	\$1,366,164.00
(2) Other Operating Expenses	663,885.00
(3) Capital Outlay	42,500.00

Paragraph Eighteen - City and County Jail (330231)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of fifty-seven thousand, five hundred dollars and no cents (\$57,500) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$57,500.00
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Paragraph Nineteen - Building Inspection (340121)

For the current expenses of the BUILDING INSPECTION, a division of the Department of Public Safety, the sum of two hundred ninety thousand, five hundred thirty-nine dollars and no cents (\$290,539.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$212,085.00
(2) Other Operating Expenses	78,454.00

Paragraph Twenty - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of sixty-one thousand, nine hundred ninety-nine dollars and no cents (\$61,999.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$19,240.00
(2) Other Operating Expenses	42,759.00

Paragraph Twenty-one - Coroner (350331)

For the current expenses of the CORONER, a division of the Department of Public Safety the sum of four hundred ninety dollars and no cents (\$490.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$490.00
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Paragraph Twenty-Two - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of one hundred fifty-six thousand, five hundred seventy-four dollars and no cents (\$156,574.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$156,574.00
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Paragraph Twenty-Three - General Engineering (410121)

For the current expenses of the GENERAL ENGINEERING, a division of the Department of Public Works, the sum of two hundred fifty-eight thousand, five hundred ninety-five dollars and no cents (\$258,595.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$185,927.00
(2) Other Operating Expenses	72,668.00

Paragraph Twenty-Four - Street Inspection,
Repairs & Maintenance (410241)

For the current expenses and capital outlay of the STREET INSPECTION AND MAINTENANCE, a division of the Department of Public Works, the sum of three million, seven hundred eighty-six thousand, eight hundred thirty-eight dollars and no cents (\$3,786,838.00) is appropriated from General Fund to be apportioned as follows:

(1) Personal Services	\$884,648.00
(2) Other Operating Expenses	1,711,190.00
(3) Capital Outlay	1,191,000.00

Paragraph Twenty-Five - Street Lighting (410441)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of four hundred fifteen thousand dollars and no cents (\$415,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$415,000.00
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Paragraph Twenty-Six - Snow and Ice Removal (410541)

For the current expenses and capital outlay of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of Ninety-two thousand, seven hundred sixty-one dollars and no cents (\$92,761.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$10,400.00
(2) Other Operating Expenses	74,361.00
(3) Capital Outlay	8,000.00

Paragraph Twenty-Seven - Traffic Engineering (410741)

For the current expenses and capital outlay of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of five hundred sixty-eight thousand, two hundred three dollars and no cents (\$568,203.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$174,413.00
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(2) Other Operating Expenses	215,790.00
(3) Capital Outlay	178,000.00

Paragraph Twenty-Eight - Highway & Street Beautification (410841)

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 eighty-nine thousand, eight hundred seventy-seven dollars and no cents (\$189,877.00) is appropriated from the General Fund to be appointed as follows:

(1) Personal Services	\$122,976.00
(2) Other Operating Expenses	64,901.00
(2) Capital Outlay	2,000.00

Paragraph Twenty-Nine - Street Cleaning (420241)

For the current expenses of the STREET CLEANING, a division of Public Works, the sum of one hundred seventy-six thousand, four hundred thirty-six dollars and no cents (\$176,436.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$98,108.00
(2) Other Operating Expenses	78,328.00

Paragraph Thirty - Insect and Rodent Control (420641)

For the current expenses of the INSECT AND RODENT CONTROL, a division of the Department of Public Works, the sum of twenty-five thousand, eighty-three dollars and no cents (\$25,083.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$12,153.00
(2) Other Operating Expenses	12,930.00

Paragraph Thirty-One - General Properties (430221)

For the current expenses and capital outlay of the GENERAL PROPERTIES, a division of the Department of Public Works, the sum of one hundred forty-six thousand, forty-eight dollars and no cents (\$146,048.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$15,856.00
(2) Other Operating Expenses	85,442.00
(3) Capital Outlay	44,750.00

Paragraph Thirty-Two - Local Health Department (510111)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of one hundred fifty-seven thousand, three hundred fifty-seven dollars and no cents (\$157,357.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$157,357.00

Paragraph Thirty-Three - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of eighty-four thousand, one hundred seventy dollars and no cents (\$84,170.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$84,170.00

Paragraph Thirty-Four - Tax Relief for Elderly (530611)

For the current expenses of the TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of twenty-six thousand dollars and no cents, (\$26,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$26,000.00

Paragraph Thirty-Five - Bureau of Parks & Recreation (710171)

For the current expenses of the BUREAU OF PARKS & RECREATION, a division of Parks, Recreation and Cultural, the sum of nine hundred seventy-five thousand, one hundred seventeen dollars and no cents (\$975,117.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$502,157.00
(2) Other Operating Expenses 472,960.00

Paragraph Thirty-Six - Recreation
Centers and Playgrounds (710471)

For the current expenses of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of two hundred ninety-seven thousand, one hundred eighty-nine dollars and no cents (\$297,189.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$180,967.00
(2) Other Operating Expenses 116,222.00

Paragraph Thirty-Seven - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of fifty-five thousand, eight hundred thirteen dollars and no cents (\$55,813.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$23,427.00
(2) Other Operating Expenses 32,386.00

Paragraph Thirty-Eight - Simms Recreation Center (710671)

For the current expenses of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of thirty-one thousand, six hundred sixty-nine dollars and no cents (\$31,669.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$23,092.00
(2) Other Operating Expenses	8,577.00

Paragraph Thirty-Nine - Westover Swimming Pool (710771)

For the current expenses of the WESTOVER SWIMMING POOL, a division of Parks, Recreation and Cultural, the sum of one hundred seventy thousand, nine hundred twenty-six dollars and no cents (\$170,926.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$82,577.00
(2) Other Operating Expenses	88,349.00

Paragraph Forty - Athletic Complex (Landfill) (710871)

For the current expenses of the ATHLETIC COMPLEX (LANDFILL), a division of Parks, Recreation and Cultural, the sum of nineteen thousand, four hundred sixty-one dollars and no cents, (\$19,461.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$6,827.00
(2) Other Operating Expenses	12,634.00

Paragraph Forty-One - Planning Commission (810121)

For the current expenses and capital outlay of the PLANNING COMMISSION, a division of the Department of Community Development, the sum of one hundred ten thousand, eight hundred seventy-one dollars and no cents (\$110,871.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$74,688.00
(2) Other Operating Expenses	30,584.00
(3) Capital Outlay	5,600.00

Paragraph Forty-Two - Zoning Administration (810221)

For the current expenses and capital outlay of the Zoning Administration, a division of the Department of Community Development, the sum of sixty-two thousand, eight hundred twenty-nine dollars and no cents (\$62,829.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$45,760.00
(2) Other Operating Expenses	16,469.00
(3) Capital Outlay	600.00

Paragraph Forty-Three - Board of Zoning Appeals (810421)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of six thousand, two hundred sixty-three dollars and no cents (\$6,263.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,080.00
(2) Other Operating Expenses	5,183.00

Paragraph Forty-Four - Economic Development RDC (810521)

For the current expenses of the ECONOMIC DEVELOPMENT - RDC, a division of the Department of Community Development, the sum of fifty-three thousand, two hundred seventy-eight dollars and no cents (\$53,278.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$41,278.00
(2) Other Operating Expenses	12,000.00

Paragraph Forty-Five - Non-Departmental (900)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of one million, two hundred, seventy-one thousand, four hundred forty-seven and no cents (\$1,271,447.00) is appropriated from the General Fund to be apportioned as follows:

910411 Support of Community and Civic Organizations:

43850	Central Shenandoah Planning District	\$7,875.00
45641	State Chamber of Commerce	250.00
45642	Local Chamber of Commerce (Am. Leg. Parade)	3,000.00
45643	County Rest Room	2,500.00
45644	Salvation Army	4,400.00
45645	Rescue Squad-Gas and Oil	8,000.00
45646	Shenandoah Valley Inc.	500.00
45647	Shen. Val. Soil & Water Conservation Dist.	3,500.00
45648	Blue Ridge Community College	3,000.00
45649	Rockingham Co. Historical Society	1,000.00
45650	Valley Program For Aging Services	20,600.00
45651	WVPT-Public Television	2,884.00
45652	First Step, Inc.	21,630.00
45653	Non-Departmental CATV	5,000.00
45654	Chamber of Commerce Convention	32,470.00
45655	Gemeinshaft	600.00
45656	BRCC-Site Improvement	20,000.00
45660	Other Non-departmental	25,000.00
45664	Woodbine Cemetery	1,500.00
47010	Rockingham County Library	169,250.00
47020	Upper Valley Regional Park	29,000.00
47030	Juvenile Detention Home	44,006.00

910511 Joint Expenses - Rockingham County:

43860	Payment to Rockingham County	\$700,000.00
48108	Courthouse Renovations	116,000.00

910611 Airport:

47040	Contribution	\$25,000.00
47045	Airport Capital Improvements	15,000.00

910711 Dues to Municipal Organizations

45810	Dues and Memberships	\$9,482.00
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Paragraph Forty-Six-Indebtedness Requirement General Fund (980142)

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg, Virginia, the sum of one million, three hundred forty-two thousand, eight hundred thirteen dollars and no cents (\$1,342,813.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$1,342,813.00
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Paragraph Forty-Seven - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of eighteen million, one hundred sixty-three thousand, nine hundred forty-three dollars and no cents (\$18,163,943.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Garage Fund	\$41,213.00
(2) Central Stores Fund	28,350.00
(3) Social Services Fund	388,391.00
(4) School Fund	15,234,302.00
(5) Public Transportation Fund	570,294.00
(6) Sanitation Fund	1,901,393.00

Paragraph Forty-Eight - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of five hundred seventy-four thousand dollars and no cents (\$574,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$574,000.00
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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, 1995	<u>\$35,779,441.00</u>
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To be provided for from the following Anticipated and Estimated Revenue which is as follows:

Amount from Fund Balances	\$360,378.00
General Property Taxes (Est.)	13,302,500.00
Other Local Taxes (Est.)	14,278,480.00
Permits, Privilege Fees and Regulatory Licenses (Est.)	123,840.00
Fines and Forfeitures (Est.)	220,000.00
Revenue from use of Money & Property (Est.)	233,000.00
Charges for Services (Est.)	293,400.00
Miscellaneous Revenue (Est.)	2,828,714.00
Recovered Costs (Est.)	187,200.00
Non-Categorical Aid (Est.)	732,567.00
Shared Expenses (Categorical) (Est.)	218,476.00
Categorical Aid (Est.)	2,344,569.00
Transfers (Est.)	<u>656,317.00</u>
 Total General Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1995	 <u>\$35,779,441.00</u>

SECTION II - SCHOOL BOARD (1111)

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, 1995:

Paragraph One - Instruction (40610)

For the current expenses on the INSTRUCTION OF THE DEPARTMENT OF EDUCATION, the sum of fifteen million, seven hundred forty-three thousand, four hundred nine dollars and no cents (\$15,743,409.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction	\$15,743,409.00
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Paragraph Two - Administration/Attendance & Health Service (40620)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE OF THE DEPARTMENT OF EDUCATION, the sum of one million, two hundred eighteen thousand, seven hundred thirty-two dollars and no cents (\$1,218,732.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration/Attendance & Health Service	\$1,218,732.00
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Paragraph Three - Public Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT OF EDUCATION, the sum of five hundred fifty-three thousand, four hundred twenty dollars and no cents (\$553,420.00) is appropriated from the City School Fund to be apportioned as

follows:

(1) Pupil Transportation Service \$553,420.00

Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF EDUCATION, the sum of one million, nine hundred eighty-two thousand, one hundred eighteen dollars and no cents (\$1,982,118.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Operations and Maintenance \$1,982,118.00

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

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL OPERATIONS OF THE DEPARTMENT OF EDUCATION, the sum of one million, one hundred sixty-two thousand, one hundred fourteen dollars and no cents (\$1,162,114.00) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services & Other
Non Instructional Operations \$1,162,114.00

Paragraph Six - Facilities (40660)

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 (40670)

For the payment of interest on and the retirement of loans of the School System of the City of Harrisonburg, Virginia, the sum of three million, six hundred sixty-six thousand, nine hundred eighty-six dollars and no cents (\$3,666,986.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest \$3,666,986.00

S U M M A R Y

Expenditures and Revenue

Total School Fund Appropriations for
Fiscal Year Ending June 30, 1995 \$24,328,779.00

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

Receipts from State School Funds (Est.)	\$7,156,333.00
Revenue from Federal Funds (Est.)	994,364.00
Receipts from other Funds (Est.)	943,780.00
Receipts from City Funds	<u>15,234,302.00</u>
Total School Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1995	<u>\$24,328,779.00</u>

SECTION III - SOCIAL SERVICES FUND (1112)

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, 1995:

Paragraph One - Welfare Administration (530151)

For the current expenses and capital outlay of the DIRECTOR OF SOCIAL SERVICES, a division of the Department of Social Services, the sum of seven hundred thirty-eight thousand, one hundred seventy-four dollars and no cents (\$738,174.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$442,651.00
(2) Other Operating Expenses	292,523.00
(3) Capital Outlay	3,000.00

Paragraph Two - Public Assistance (530251)

For the current expenses of the BUREAU OF PUBLIC ASSISTANCE, a division of the Department of Social Services, the sum of three hundred seven thousand, seven hundred fifteen dollars and no cents (\$307,715.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$307,715.00
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Paragraph Three - Social Services (530951)

For the current expenses of the SOCIAL SERVICES BUREAU, a division of the Department of Social Services, the sum of two hundred ninety-one thousand dollars and no cents (\$291,000.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$291,000.00
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Paragraph Four - Comprehensive Services (531051)

For the current expenses of the COMPREHENSIVE SERVICES BUREAU, a division of the Department of Social Services, the sum of three hundred twenty-four thousand, six hundred seventy-eight dollars and no cents (\$324,678.00) is appropriated from the Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses \$324,678.00

S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund
Appropriations for the Fiscal Year
Ending June 30, 1995 \$1,661,567.00

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

Amount from Fund Balance \$16,291.00
Categorical Aid-Commonwealth (Est.) 750,731.00
Categorical Aid-Federal (Est.) 506,154.00
Transfers from other funds (Est.) 388,391.00

Total Virginia Public Assistance Fund
Revenue (Estimated) for the Fiscal Year
Ending June 30, 1995 \$1,661,567.00

SECTION IV - WATER FUND (2011)

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, 1995:

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred ninety-five thousand, six hundred seventeen dollars and no cents (\$195,617.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$95,784.00
(2) Other Operating Expenses 99,833.00

Paragraph Two - Source of Supply (322061)

For the current expenses of SOURCE OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred seventy thousand, nine hundred forty-five dollars and no cents (\$270,945.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$8,216.00
(2) Other Operating Expenses 262,729.00

Paragraph Three - Transmission and Distribution (332061)

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 six hundred eighty-nine thousand, seven hundred ninety dollars and no cents (\$689,790.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$338,000.00
(2) Other Operating Expenses	351,790.00

Paragraph Four - Utility Billing (342061)

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred sixteen thousand, nine hundred thirty-seven dollars and no cents (\$116,937.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$69,160.00
(2) Other Operating Expenses	47,777.00

Paragraph Five - Miscellaneous (352061)

For setting aside reserves for depreciation and payment of taxes, the sum of six hundred fifty thousand, nine hundred dollars and no cents (\$650,900.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Other Operating Expenses	\$13,000.00
(2) Depreciation	527,800.00
(3) Taxes, etc.	110,100.00

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of five hundred twenty-four thousand, six hundred sixty-seven dollars and no cents (\$524,667.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$289,952.00
(2) Other Operating Expenses	234,715.00

Paragraph Seven - Capital Outlay (372061)

For the capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one million, fifty-nine thousand, two hundred dollars and no cents (\$1,059,200.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay	\$1,059,200.00
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Paragraph Eight - Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of four hundred thirty-eight

thousand, two hundred twenty dollars and no cents (\$438,220.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Data Processing	\$235,700.00
(2) To General Fund - Utility Tax	133,000.00
(3) To Central Garage Fund	48,196.00
(4) To Central Stores Fund	21,324.00

S U M M A R Y

Expenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1995	<u>\$3,946,276.00</u>
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (Est.)	\$141,000.00
Permits, Privilege Fees and Regulatory Licenses (Est.)	95,000.00
Revenue from use of Money & Property (Est.)	38,000.00
Charges for Services (Est.)	3,137,500.00
Recovered Costs (Est.)	134,500.00
Transfers (Est.)	<u>400,276.00</u>

Total Water Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1995	<u>\$3,946,276.00</u>
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SECTION V - SEWER FUND (2012)

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 1995.

Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred thirty-eight thousand, five hundred fifty dollars and no cents (\$138,550.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$73,112.00
(2) Other Operating Expenses	65,438.00

Paragraph Two - Treatment and Disposal (422061)

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 fifty-nine thousand, three hundred forty-seven dollars and no cents (959,347.00) is

appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$7,800.00
(2) Other Operating Expenses	951,547.00

Paragraph Three - Collection and Transmission (432061)

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 five hundred forty-nine thousand, four hundred sixty-five dollars and no cents (\$549,465.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$332,592.00
(2) Other Operating Expenses	216,873.00

Paragraph Four - Miscellaneous (442061)

For setting aside reserve for depreciation and the payment of taxes, the sum of five hundred fifty thousand, three hundred dollars and no cents (\$550,300.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Other Operating Expenses	\$3,000.00
(2) Depreciation	453,500.00
(3) Taxes, etc.	93,800.00

Paragraph Five - Customer Accounting and Collecting (452061)

For the current expenses of CUSTOMER ACCOUNTING AND COLLECTING OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred forty thousand, two hundred eighty dollars and no cents (\$140,280.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$76,960.00
(2) Other Operating Expenses	63,320.00

Paragraph Six - Capital Outlay (472061)

For the capital improvements of the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of seven hundred eight thousand dollars and no cents (\$708,000.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$708,000.00
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Paragraph Seven - Indebtedness Requirement - Sewer Fund (482061)

For the payment of interest and retirement of bonds and temporary loans of the PUBLIC SERVICE ENTERPRISES - SEWER ACTIVITIES, the sum of one million, one hundred thirty-eight thousand, three hundred dollars and no cents (\$1,138,300.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc. \$1,138,300.00

Paragraph Eight - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the SEWER DEPARTMENT, the sum of two hundred ninety-seven thousand, four hundred twenty dollars and no cents (\$297,420.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting, & Data Processing	\$227,900.00
(2) To Central Garage Fund	48,196.00
(3) To Central Stores Fund	21,324.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1995	<u>\$4,481,662.00</u>
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To be provided for from the following Anticipated Revenue, which is as follows:

Other Local Taxes (Est.)	\$500.00
Permits, Privilege Fees and Regulatory Licenses (Est.)	41,000.00
Revenue from use of Money & Property (Est.)	45,000.00
Charges for Services (Est.)	4,125,000.00
Recovered Costs (Est.)	32,100.00
Transfers (est.)	<u>238,062.00</u>

Total Sewer Fund Revenue (Estimated) for the Fiscal Year ending June 30, 1995	<u>\$4,481,662.00</u>
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SECTION VI - PUBLIC TRANSPORTATION (2013)

That the following sum of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 1995:

Paragraph One - Transit Buses (812081)

For the current expenses of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of nine hundred seven thousand, eight hundred twenty-eight dollars and no cents (\$907,828.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$489,688.00
(2) Other Operating Expenses	343,140.00
(3) Depreciation	75,000.00

Paragraph Two - School Buses (822081)

For the current expenses of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of seven hundred ninety-four thousand, four hundred sixty-nine dollars and no cents (\$794,469.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$420,846.00
(2) Other Operating Expenses	313,623.00
(3) Depreciation	60,000.00

Paragraph Three - Taxi Cabs/Vans (832081)

For the current expenses of the TAXI CABS/VANS, a division of the Public Transportation Fund, the sum of three hundred twenty thousand, one hundred seventeen dollars and no cents (\$320,117.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$187,234.00
(2) Other Operating Expenses	107,883.00
(3) Depreciation	25,000.00

Paragraph Four - Miscellaneous (842081)

For the current expenses of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of one hundred sixty-four thousand, three hundred fifty dollars and no cents (\$164,350.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$42,546.00
(2) Other Operating Expenses	71,804.00
(3) Depreciation	50,000.00

Paragraph Five - Capital outlay (872081)

For the capital improvements in the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of four hundred fifty-seven thousand, five hundred dollars and no cents (\$457,500.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlay	\$457,500.00
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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, 1995	<u>\$2,644,264.00</u>

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

Sale of Services to Department (Est.)	\$60,000.00
Charges for Services (Est.)	1,050,620.00
Recovered Costs (Est.)	2,100.00
Categorical Aid-Commonwealth (Est.)	451,250.00
Categorical Aid-Federal (Est.)	300,000.00
Transfers from other funds, etc. (Est.)	<u>780,294.00</u>
Total Public Transportation Fund Revenue (Estimated) for the Fiscal Year ending June 30, 1995	<u>\$2,644,264.00</u>

SECTION VII - 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, 1995.

Paragraph One - Resource Recovery Facility (912042)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Sanitation Fund, the sum of eight hundred eight-nine thousand, five hundred sixty-five dollars and no cents (\$88,565.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$487,469.00
(2) Other Operating Expenses	402,096.00

Paragraph Two - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of three hundred sixty-three thousand, nine hundred sixty dollars and no cents (\$363,960.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$236,967.00
(2) Other Operating Expenses	126,993.00

Paragraph Three - Sanitary Landfill (932042)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of three hundred forty thousand, one hundred thirty-six dollars and no cents (\$340,136.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Other Operating Expenses	\$340,136.00
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Paragraph Four - Miscellaneous (942042)

For setting aside reserve for depreciation and the payment of taxes, the sum of three hundred eleven thousand, nine hundred

SECTION VIII - PARKING AUTHORITY (2015)

That the following sums of money be and the same hereby are appropriated for the Parking authority purposes herein specified for the fiscal year ending June 30, 1995:

Paragraph One - Parking Authority (20)

For the current expenses of the PARKING AUTHORITY, a division of the Parking Authority Fund, the sum of one hundred seventy-three thousand, four hundred dollars and no cents (\$173,400.00) is appropriated from the Parking Authority Fund to be apportioned as follows:

(1) Personal Services	\$28,762.00
(2) Other Operating Expenses	74,921.00
(3) Capital Outlay	10,000.00
(4) Transfers	59,717.00

S U M M A R YExpenditures and Revenues

Total Parking Authority Fund Appropriations for the fiscal year Ending June 30, 1995.	<u>\$173,400.00</u>
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To be provided for from the following Anticipated Revenue, which is as follows:

Amount from Fund Balance (Est.)	\$11,310.00
Fines and Forfeitures	42,000.00
Parking Fees	<u>120,090.00</u>

Total Parking Authority Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1995	<u>\$173,400.00</u>
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SECTION IX - CENTRAL GARAGE FUND (2111)

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, 1995:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of two hundred twenty-nine thousand, six hundred five dollars and no cents (\$229,605.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$148,567.00
(2) Other Operating Expenses	81,038.00

Paragraph Two - Capital Outlay (672141)

For the capital improvements of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of eighteen thousand dollars and no cents (\$18,000.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Capital Outlay	\$18,000.00
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S U M M A R Y**Expenditures and Revenue**

Total Central Garage Fund appropriations for the Fiscal Year ending June 30, 1995	<u>\$247,605.00</u>
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To be provided for from the following Anticipated Revenue, which is as follows:

Charges for Services (Est.)	\$110,000.00
Transfers from other Funds (Est.)	<u>137,605.00</u>

Total Central Garage Fund Revenue (Estimated) for the Fiscal Year ending June 30, 1995	<u>\$247,605.00</u>
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SECTION X - CENTRAL STORES OPERATING FUND (2112)

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 1995:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, a division of the Central Stores Revolving Fund, the sum of seventy thousand, nine hundred ninety-eight dollars and no cents (\$70,998.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$37,911.00
(2) Other Operating Expenses	33,087.00

S U M M A R Y**Expenditures and Revenue**

Total Central Stores Fund Appropriations for the Fiscal Year ending June 30, 1995	<u>\$70,998.00</u>
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To be provided for from the following Anticipated Revenue, which is as follows:

Transfers from other Funds (Est.)	\$70,998.00
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Total Central Stores Fund Revenue
(estimated) for the Fiscal Year

Ending June 30, 1995

\$70,998.00

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH X
IN THIS ORDINANCE
FOR THE FISCAL YEAR ENDING JUNE 30, 1995
RECAPITULATION

Section I	(General Fund)	\$35,779,441.00
Section II	(School Fund)	24,328,779.00
Section III	(Social Services)	1,661,567.00
Section IV	(Water Fund)	3,946,276.00
Section V	(Sewer Fund)	4,481,662.00
Section VI	(Public Transportation Fund)	2,644,264.00
Section VII	(Sanitation Fund)	3,917,658.00
Section VIII	(Parking Authority Fund)	173,400.00
Section IX	(Central Garage Fund)	247,605.00
Section X	(Central Stores Fund)	<u>70,998.00</u>
TOTAL APPROPRIATIONS		<u>\$77,251,650.00</u>

SECTION XI

All of the monies appropriated as shown by the contained items in Sections I through X 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 \$0.62 (Sixty-two cents), collectible one half on or before December 5, 1994 and one half on or before June 5, 1995, and that the rate of taxation on Tangible Personal Property and Machinery and Tools, 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 \$2.00 (Two Dollars and No Cents) on each one hundred dollars assessed valuation for the year 1994; 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 one half on or before December 5, 1994 and one half on or before June 5, 1995. 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, 1994, and ending June 30, 1995, 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 and that positions not specifically listed in the Budget document may not be filled without prior written approval of the City Manager.

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

This ordinance shall become effective July 1, 1994.

Given under my hand this _____ day of _____, 1994.

MAYOR

CLERK

✓ City Manager Stewart presented for Council's consideration adoption of a second reading of an agreement with Rockingham County for the purpose of consolidating landfill operations. Council Member Dingledine offered a motion that this agreement be approved for a second reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart called upon Street Superintendent Baker to discuss several changes in the proposed adoption of solid waste collection and disposal ordinance for a first reading. Mr. Baker explained that in Section 6-2-32 refuse and waste which is not acceptable for removal by the City shall be removed from the pick-up point within three (3) days. Mr. Baker noted that the billing will continue out of the sanitation department. Vice-Mayor Neff

offered a motion that this solid waste collection and disposal ordinance be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration adoption of a first reading an ordinance amending and re-enacting Section 7-4-1 (3) of the Harrisonburg City Code. This item puts into effect the 9% increase in sewer rates as proposed in the 1994-95 budget. This rate increase is the second step of a two step increase. Vice-Mayor Neff offered a motion that section 7-4-1 (3) be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Council Member Weaver noted that she has received several complaints about the train crossing the street at Virginia Avenue and McClinton Pike. Residents have stated one engineer does not blow the horn very long while crossing the street late at night, while apparently another engineer really blows the horn. The train master will be contacted concerning this matter.

City Manager Stewart announced that tentatively a proposed public hearing meeting with the Planning Commission has been scheduled on June 21, 1994, at Thomas Harrison Middle School concerning the Harrisonburg Area Transportation Study (HATS).

At 8:10 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, Board of Public Welfare, and Harrisonburg City School Board exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia; discussion and consideration of the disposition of publicly held property, exempt from public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia; and also consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (7) 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 declared closed and the regular session reconvened. City Clerk Ryan 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.

At 8:57 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

C. Robert Heath
MAYOR

REGULAR MEETING

JUNE 14, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 7:33 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News Record on Friday, May 27, and Friday, June 3, 1994:

The Harrisonburg City Council will hold a public hearing on Tuesday, June 14, 1994, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider requests to amend the City of Harrisonburg, 1991 Comprehensive Plan Update and the Zoning Map.

Sherwin John Jacobs request to rezone Lot 4, an approximately 0.21 acre lot located on the north side of East Market Street, from R-2 "Residential District" to R-3 Conditional Multiple Dwelling District". The R-3 district "is intended for medium to high density residential development and other uses intended to respect the residential character which are aesthetically compatible within the district by means of architectural expression, landscaping and restrained traffic flow". The Comprehensive Plan recommendation for this property is "Professional". The "Professional" land use category is described as areas "designated for professional service oriented use with consideration to the character of the area". The property is located at 548 East Market Street and is shown as Lot 4, Block B, Sheet 27 on the Harrisonburg Block Maps.

Maps and other information are available for 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.

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

Steven E. Stewart, City Manager

✓
Planning Director Turner called Council's attention to a large scale map of the area and explained that Sherwin John Jacobs has requested to rezone 9,280 square feet on the north side of East Market Street, 548 East Market Street, from R-2 "Medium Density" Residential to Conditional R-3 for Professional Offices. Ms. Turner said that the Planning Commission held a Public Hearing on April 20, 1994 and no one spoke against this rezoning. She said Mr. Jacobs plans on renovating the building and having eight (8) offices, renting out all but two (2). Planning Director Turner also noted that there are no staff objections to this request and the Planning Commission is recommending approval. Mayor Heath called on anyone present desiring to speak either for or against this rezoning request.

Sherwin John Jacobs, stated that he would like to encourage the Council to approve this request. There being no others present desiring to be heard, the public hearing was declared closed at 8:45 p.m., and the regular session reconvened. Council Member Weaver offered a motion that the recommendation of the Planning Commission to approve this rezoning request be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

At 7:33 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News Record on Friday, May 27, and Friday, June 3, 1994:

The Harrisonburg City Council will hold a public hearing on Tuesday, June 14, 1994, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider requests to amend the City of Harrisonburg, 1991 Comprehensive Plan Update and the Zoning Map.

A request made by way of petition, is to amend the Land Use Guide's recommended land use classification from "Neighborhood Residential" to "Low Density Residential" for the following area:

The area bounded on the south by the un-developed alley immediately south of and parallel to Franklin Street, the west by Ott Street, the north by Woodbine Cemetery and the east by Myers Avenue, Kiwanis Park and Woodbine Cemetery, which includes property shown on Harrisonburg Block Maps as Lots 1-6, Block G, Sheet 26; Lots 1-9, Block J, Sheet 26; Lots 1-7, Block M, Sheet 26; Lots 1-9, Block P, Sheet 27 and Lots 1-9, Block Q, Sheet 27.

The area is currently recommended for the "Neighborhood Residential" land use category. The 1991 Comprehensive Plan Update describes "Neighborhood Residential" as land use which "highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods which can be characterized by large housing units on small lots".

The "Low Density Residential" land use category is described

by the 1991 Comprehensive Plan Update as areas which "consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low density sections are found mainly in well established neighborhoods. The low density residential areas are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership".

Maps and other information are available for 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.

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

✓
Steven E. Stewart, City Manager

Planning Director Turner called Council's attention to a large scale map of the area and explained this request is to amend the Comprehensive Plan's recommended land use classification for a portion of Franklin Street from "Neighborhood Residential" to "Low Density Residential." She said most of the street has larger homes on small lots, and the planning commission has recommended against the change basically because it feels the lots in this area are too small. Mayor Heath then called on anyone present desiring to speak for or against this request to amend the comprehensive plan. Judith Bent, 320 Franklin Street, expressed her concerns about the neighborhood remaining R-1.

Tim Cupp, 324 Franklin Street, stated that since 1992 the planning commission analysis does not have the correct facts. He said it is very important to preserve the natural beauty of the area.

David Schrock, 150 Ott Street, stated his support for the residents of Franklin Street and keeping the neighborhood as it is.

Dr. Devin Bent, 320 Franklin Street, presented maps, graphs and charts in his presentation that there are several other low density residential areas in the City with smaller lots and more buildings per acre than the Franklin Street area. He cited the Ott-Monticello area and New York Avenue, Chestnut and Grace street area near Harrisonburg High as examples. Dr. Bent said "It is an issue of fairness", and that "the forward edge of all low-density neighborhoods are nonconforming" on lot sizes. Dr. Bent expressed that the upper Franklin Street lots have more square footage. Dr. Bent stated the lots are narrow, but not small with the lots being 60 feet wide rather than the 75 required in low-density areas. There being no others present desiring to be heard, the public hearing was declared closed at 8:45 p.m., and the regular session reconvened. Council Member Weaver offered a motion that a portion of Franklin Street be classified in the comprehensive plan land use guide as low density residential. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

At 7:33 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News Record on Friday, May 27, and Friday, June 3, 1994:

The area bounded on the south by Cantrell Avenue, the north by Water Street, and the east by Chesapeake Avenue, then moves westward across Blacks Run approximately 100 feet on the southern end and expands westward to South High Street at a distance of approximately 300 feet south of Water Street, which includes property shown on Harrisonburg Block Maps as Lots 4-24, Block H, Sheet 25 and Lot 17, Block G, Sheet 25.

The area is currently recommended for the "Neighborhood Residential" land use category. The 1991 Comprehensive Plan Update describes "Neighborhood Residential" as land use which "highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods which are characterized by large housing units on small lots".

The "Light Industrial" land use category is described as areas which include land and structures used for light manufacturing, wholesaling, warehousing or suitable for such uses where the use and its operation do not adversely affect residential and business uses.

Planning Director Turner called Council's attention to a large scale map of the area and explained this request is to amend the Comprehensive Plan's land use classification for a portion of property between Chesapeake Drive and South High Street and Bruce Street and the Cantrell Avenue Bridge from "Neighborhood Residential" to "Light Industrial." She said the Planning Commission recommends amending the Land Use Guide to include in the Light Industrial classification, the area presently zoned M-1, between Chesapeake Drive and South Main Street and Bruce Street and the Cantrell Avenue Bridge, which excludes lots 12, 13 and 14 on the east side of Old South High Street. Mayor Heath called on anyone present desiring to speak either for or against this rezoning request.

Attorney John Crist, representing the Mongers, stated that the residential area of Old South High is changing drastically and in the next 20 years will probably be all student housing. There being no others present desiring to be heard, the public hearing was declared closed at 8:45 p.m., and the regular session reconvened. Following further discussion, Council Member Weaver offered a motion that this recommendation from the Planning Commission be approved as presented. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council. Vice-Mayor Neff offered a motion that the area presently zoned M-1, between Chesapeake Drive and South Main Street and Bruce Street and the Cantrell Avenue Bridge, which includes the back of lots 12, 13 and 14 on the east side of Old South High Street be approved as requested. The motion was seconded by

Council Member Dingledine, and approved with a majority recorded vote of Council, with Mayor Heath voting no.

At 7:33 p.m., Mayor Heath closed the regular session and temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News Record on Tuesday, May 31, 1994 and Monday, June 6, 1994.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 14, 1994, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia to consider the following:

The Harrisonburg City Council will receive the views of citizens concerning adoption of the Solid Waste Collection and Disposal Ordinance which will require the delivery of all acceptable refuse generated in the City to either the City's resource recover facility, recycling center or the County of Rockingham, Virginia landfill.

The public hearing is being held pursuant to Section 15.1-28.01 of the Code of Virginia, 1950, as amended. A copy of the proposed Solid Waste Collection and Disposal Ordinance is available for inspection and review in the City Manager's Office, 345 South Main Street, Harrisonburg, VA, 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.

Steven E. Stewart, City Manager

✓
City Manager Stewart explained the proposed solid waste collection and disposal ordinances will go into effect on July 1, 1994. Mayor Heath called on anyone present desiring to speak for or against this proposed trash ordinance.

Lewis Warner, 238 West Market Street, stated he has some concerns with residents being limited to five trash bags per pick-up. He said the public had not been informed enough of this new proposed trash ordinance. He suggested the plan should have been advertised more in the newspaper.

Judith Bent, 320 Franklin Street, stated the once-a-week pick-up could become a public health problem. Mrs. Bent said the citizens did not have enough official notice of this proposal. There being no other desiring to be heard, the public hearing was declared closed at 8:45 p.m., and the regular session reconvened.

City Attorney Thumma presented the following resolution for Council's consideration of approval:

WHEREAS, the City of Harrisonburg and the County of Rockingham have entered into a contract to share waste disposal facilities and to require all waste to be taken to State of Virginia approved disposal sites owned by the city and county; and

WHEREAS, the City Council of the City of Harrisonburg held a public hearing on the adoption of an ordinance to require delivery of all waste to the State of Virginia approved disposal sites, owned by the city and county; and

WHEREAS, Section 15.1-28.01 of the Code of Virginia, 1950, as amended, requires the City Council to make certain findings following the public hearing;

NOW, THEREFORE, in compliance with Section 15.1-18.01 of the Code of Virginia, 1950, as amended, BE IT RESOLVED that the City Council makes the following findings:

(a) That other waste disposal facilities, including privately owned facilities and regional facilities are unavailable or not economically feasible, to meet the current and anticipated needs of the City of Harrisonburg for waste disposal capacity; and

(b) That the ordinance is necessary to ensure the availability of adequate financing for the construction, expansion or closing of the locality's facilities, and the costs incidental or related thereto.

ADOPTED AND APPROVED this 14th day of June, 1994.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

✓ Vice-Mayor Neff offered a motion that this resolution be approved. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration a second reading of the solid waste collection and disposal ordinance. Council Member Dingleline offered a motion that this solid waste collection and disposal ordinance be approved for a second reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council, but Council Member Green reiterated that the once-a-week pickups could become a public health problem.

✓ City Manager Stewart asked Roger Scott, Vice-President of Municipal Advisors Incorporated, to explain the classification and pay study that his firm has conducted from February through June, 1994. Mr. Scott said after an extensive study to determine weakness and strength in the existing plan, his firm recommends a system that will include a competitive pay plan. He said his firm had included input from all department supervisors and employees. A survey from Waynesboro to Winchester was conducted to include

salary information which also took into consideration JMU as a major employer in this area. Mr. Scott said that one of the major findings in the study of the City's nearly 500 employees was that many sworn and certified police and firefighters with up to nine years of service are getting the same pay as a new employee. He recommended a system that would give those who were at entry level and who had worked three years in the position a step raise of 2 1/2 percent and those with five years in the position a two steps or 5 percent. Mr. Scott estimated that the plan will cost \$450,000, including fringe benefits. The City had budgeted \$475,000 for the study. Council Member Green made a motion to accept the classification and pay study as presented and to authorize the City Manager to implement the study. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart explained that the Retail Merchants Association is requesting closing the shoulders of Court Square on June 25 for an Arts and Craft show. The street will be closed from 6:30 a.m. until 5:30 p.m. Council Member Weaver offered a motion to close a portion of Court Square for the Arts and Craft show on June 25, 1994. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Vice-Mayor Neff offered a motion granting Shenandoah Shakespeare Express, Incorporated's request to display across South Main Street within the Central Business District, a banner from June 20, 1994 to July 12, 1994.

✓ City Manager Stewart presented a request to rezone the property located at 1820 Country Club Road from R-1 to R-3 Conditional (for professional offices). Council Member Weaver 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 Stewart presented for Council's consideration adoption of a second reading an ordinance amending and re-enacting Section 7-4-1 (3) of the Harrisonburg City Code. This ordinance puts into effect the 9% increase in sewer rates as proposed in the 1994-95 budget. This rate increase is the second step of a two step increase. Vice-Mayor Neff offered a motion that section 7-4-1 (3) be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Sections 5-1-3, 13-1-69, 13-1-70, 13-1-71, 13-1-72, 13-1-73, 13-1-74, 13-1-75, 13-1-76, 13-1-81, 13-1-82, 13-1-83, 13-1-84, 13-1-85, 13-1-86, 13-1-87, 13-1-88, 13-1-89, 13-1-90, 13-1-91, 13-1-92, 13-1-93, 13-1-94, and 13-1-95 of the Harrisonburg City Code. City Manager Stewart explained that the major categories of these ordinances are parking of commercial vehicles near residences, daytime and

nighttime parking of passenger cars near residences, additional parking violations and fines, parking in spaces reserved for handicapped persons, parking vehicles without State or City license, and parking meters. Council Member Weaver offered a motion that these ordinances 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 Stewart presented a request from Fire Chief Shifflett for approval of transfer of funds to recover donated funds, grant funds, reimbursements, fire school receipts, received by the Fire Department during the 1993-94 budget year. Council Member Green offered a motion for the appropriation to be approved for a first reading, and that:

\$12,549.43	chge to:	1000-31809	Donations
6,415.19	chge to:	1000-31901	Recoveries and Rebates
5,512.12	chge to:	1000-32502	Office of Emergency Services
723.50	chge to:	1000-32514	Two for Life
1,400.00	chge to:	1000-32520	DMV Grant
\$3,000.00	approp. to:	1000-320132-43100	Professional Services
3,200.00	approp. to:	1000-320132-45110	Electricity
1,500.00	approp. to:	1000-320132-45540	Education
2,300.00	approp. to:	1000-320132-46170	EMS/Medical Supplies
15,000.00	approp. to:	1000-320132-48113	Equipment
1,600.24	approx. to:	1000-350532-46140	Other Operating Supplies

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

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 9-1-7 of the Harrisonburg City Code. This ordinance will eliminate the Parks and Recreation Revolving Fund, and all revenues and expenditures will be part of the annual budget. Vice-Mayor Neff offered a motion that section 9-1-7 be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance repealing Sections 4-2-51, 4-2-52 and 4-2-53 of the Harrisonburg City Code. This ordinance will eliminate the Engineering Revolving Fund, and all revenues and expenditures will now be a part of the annual budget. Council Member Weaver offered a motion that section 4-2-51, 4-2-52 and 4-2-53 be approved for a first reading. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3, Adoption of State Law, of the Harrisonburg City Code. City

Manager Stewart explained that this ordinance states that the City will abide by any amendments to the State Code effective July 1, 1994, pertaining to state motor vehicles laws. Council Member Weaver offered a motion that section 13-1-3 be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Mayor Heath presented the following resolution for Council's consideration of approval:

WHEREAS, Dr. Walter F. Green, III has been actively involved in civic affairs of the Harrisonburg Community for the past four decades; and

WHEREAS, he has consistently demonstrated the support of industry, education, civic and charitable causes benefiting the city, giving countless hours to city service; and

WHEREAS, he has continued the tradition of city service begun by his father, Walter F. Green, Jr. who served on City Council from September 1, 1948 to August 31, 1956, serving as Mayor September 1, 1954 to August 31, 1956; and

WHEREAS, he has served on various Committees, including on the City Welfare Board, the Annexation Committee, the Joint Judicial Complex Committee, the Switzer Dam Committee, and the Executive Committee of the Virginia Municipal League; and

WHEREAS, he has served on City Council since September 1, 1970, serving as Vice- Mayor September 1, 1978 to June 30, 1983 and as Mayor July 1, 1983 to June 30, 1992.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Harrisonburg does hereby recognize Dr. Walter F. Green, III for his many years of dedicated service to the citizens of Harrisonburg,

ADOPTED AND APPROVED THIS 14TH day of June, 1994.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Dingledine stated that during the nine years that Council Member Green served as Mayor, "he was at the Municipal Building every morning and almost every evening." Vice-Mayor Neff said that Council Member Green was "my mentor, my friend" and noted his involvement with City Council was due to Dr. Green asking him to serve on the Planning Commission. Council Member Weaver stated Dr. Green's leadership on City Council over several decades has saved tax dollars while demanding a high level of service. Mayor

Heath stated Dr. Green can really be proud of an excellent record while serving on the City Council.

At 10:30 p.m. Council Member Dingleline offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, Board of Public Welfare, and the Harrisonburg City School Board, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia; and consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. The motion was seconded by Vice-Mayor Neff, and approved in a unanimous recorded vote of Council.

At 12:30 a.m., the executive session was declared closed, but will reconvene at 5:00 p.m. on Friday, June 17, 1994 in the Mayor's office.

At 6:50 p.m., on Friday June 17, 1994 the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

Council Member Green offered a motion that Diane Foucar-Szocki, 1922 Lynne Place, be appointed to a first term of three years on the City School Board. Ms. Foucar-Szocki's first term will expire on June 30, 1997, and she will be representing the west ward. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council. Council Member Weaver offered a motion that Gary L. Wilson, 437 Mountain View Drive, be appointed to a first term of three years on the City School Board. Mr. Wilson's first term will expire on June 30, 1997, and he will be representing the east ward. The motion was seconded by Council Member Green, and approved with a majority recorded vote of Council, with Council Member Dingleline voting no.

Council Member Green offered a motion that Donn E. Meyerhoeffler 486 Andergren Drive, be appointed to a first term on the Industrial Development Authority to expire on April 24, 1998. The motion was second by Council Member Dingleline, and approved with a unanimous vote of Council.

At 7:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

C. Robert Heath
MAYOR

SPECIAL MEETING

JUNE 21, 1994

At a joint public hearing meeting of City Council and The Planning Commission held this evening at 7:00 p.m., in the forum of Thomas Harrison Middle School there were present: Vice-Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; Council Members Emily R. Dingleline and Agnes Massie Weaver; City Clerk Bonnie Ryan; Planning Commission Members George Homan and Kathy Whitten. Vice-Mayor Neff and City Manager Stewart also served as representatives of the Planning Commission.

✓ Vice-Mayor explained that this is a public hearing on the Harrisonburg Area Transportation Study (HATS) and that Wayne Woodcock and Don Wells of the Virginia Department of Transportation will be making a presentation on this proposed long-range transportation plan. He said Wayne Woodcock, VDOT Senior Transportation Engineer, will provide an overview of the HATS Study. Mr. Woodcock stated that the study started approximately five years ago and had a study committee involved throughout consisting of representatives from each locality. This version is the fifth refinement made by the study committee, based on suggestions from the localities.

Mr. Woodcock called Council's and the Planning Commission's attention to a large scale map of the area and said in the long range transportation plan the biggest recommendation will be the Eastern Bypass. The plan calls for constructing a 4-lane, major arterial with controlled access between the I-81/Route 257 interchange and Route 33 East; constructing a 2-lane medium arterial with controlled access between Route 33 East, and I-81/Route 11 north; constructing a new interchange at Route 33 and reconstructing an interchange to provide full directional access at Route 11 (North interchange).

He said other improvements would be to extend Mount Clinton Pike from North Main Street to I-81 as a 4-lane, medium arterial; upgrade Smithland Road from I-81 to the Chesapeake and Western Railroad as a 4-lane, medium arterial; extend Linda Lane as a 2-lane, minor arterial from Country Club Road to Smithland Road; construct a 4-lane, medium arterial between Country Club Road and Smithland Road; upgrade Route 33 East from Cantrell Avenue to the east cordon line as a 6-lane major, arterial and extend Neff Avenue as a 4-lane, minor arterial from Route 679 to Reservoir Road. The new "school road" would be utilized as part of this project.

Mr. Woodcock said the plans are to upgrade Stone Spring Road from Route 659 (Port Republic Road) to South Main Street as a 4-lane, medium arterial; realign to connect with the extension of Erickson Avenue (Project H); extend Stone Spring Road from South Main Street to the intersection of South High Street/Erickson Avenue as a 4-lane, medium arterial; upgrade Erickson Avenue from South High to Garbers Church Road as a 4-lane, medium arterial;

upgrade Port Republic Road between Forest Hill Road and Stone Spring Road as a 4-lane, medium arterial; extend Chestnut Ridge Drive as a 2-lane, minor arterial paralleling the east cordon line between Reservoir Street near the east cordon line and East Market Street; construct 4-lane, major arterial with controlled access from Route 910 (Garbers Church Road), through the I-81/Route 11 South interchange, to Route 679.

He said the plans are also to upgrade Route 910 and Garbers Church Road over their full length as a 4-lane, major arterial; construct a 4-lane, controlled access, major arterial between West Market Street/Garbers Church Road intersection and Route 766; upgrade Route 910 to a 4-lane, major arterial from Route 766 to Route 763; upgrade Route 763/Mount Clinton Pike between proposed Route 33 - Route 11 Connector (near Route 910) and Chicago Avenue as a 4-lane, medium arterial; widen West Market Street/Route 33 West from west cordon line as a 4-lane, major arterial; upgrade Port Republic Road between Stone Spring Road and east cordon line as a 4-lane, medium arterial; remove parking and mark North Virginia Avenue for 4-lanes between West Gay Street and 5th Street; widen Cantrell Avenue between Ott Street and Reservoir Street to 4-lane, medium arterial; widen I-81 to 6-lanes through the entire study area; widen Route 11 between the 4-lane section of Route 11 north of Route 704 and the entrance ramps of I-81/Route 11 South interchange to a 4-lane, major arterial; widen Erickson Avenue and Route 726 to a 4-lane minor arterial between Garbers Church Road and Route 33; extend Route 679 and Route 988 as a 2-lane, minor arterial to intersect Eastern Bypass in vicinity of Route 689 and Route 681; widen U.S. 11 to 4-lanes between Mount Clinton Pike and Route 765; construct a 4-lane, major arterial between Route 763 and I-81/Route 11 North interchange; widen Reservoir Street to a 4-lane, medium arterial from Cantrell Avenue to Neff Avenue; widen Route 257 as a 4-lane medium arterial between Bridgewater Town limits and I-81; widen Country Club Road to a 4-lane, medium arterial from Route 33 East to the intersection of the new road (Project D); and improving Route 704 to a 2-lane, medium arterial from Route 11 to Route 712; realign to connect with northern intersection of Route 704; construct a 2-lane collector over I-81 to connect old and new JMU campuses; construct a 2-lane, collector between Route 712 and 701; and constructing a 4-lane, medium arterial between Route 42 at Route 257 and connection between Route 910 (Garbers Church Road) and I-81/Route 11 South interchange (Project M); construct a 2-lane, minor arterial between Route 42 in Dayton and Project HH; construct a 2-lane, collector from Project HH to Route 712; construct a 2-lane, minor arterial from Route 257 at Route 738 to Route 42; and constructing a 4-lane, medium arterial from Route 42 to Route 257 at Mount Crawford Avenue.

Vice-Mayor Neff stated it is a lot of information to absorb in a short period of time. City Manager Stewart explained that with the exception of the I-81 intersection at Pleasant Valley this is essentially the same plan that Planning Commission and Council reviewed last Spring. The plan includes 36 individual projects, complete with mileage, locations, and costs totaling upward of \$400

million when land acquisitions are factored in. Vice-Mayor Neff explained no action will be taken tonight following this public meeting by either body. This meeting was intended to serve for public information and for the public to have an opportunity to comment on the plan. Also, the plan indicates that the original plan routing of Erickson Road extension has been considered as alternate one approved by the Planning Commission. It does not take into consideration the alternative routes that were studied by the Ad Hoc Committee which will be presented to Council at the June 28th meeting.

Vice-Mayor Neff called on anyone present desiring to speak either for or against the proposed Harrisonburg Area Transportation Study. There being no one present desiring to be heard the public hearing was declared closed at 7:20 p.m., and the regular meeting reconvened.

Vice-Mayor Neff questioned what would be a reasonable period of time for planning and implementation of the program presented tonight. Mr. Woodcock explained that each individual project would go through the same process as the study and become a part of the six-year plan. City Manager Stewart said that the study known as HATS, was conducted jointly by the City, County, VDOT and representatives from Dayton and Bridgewater. It makes recommendations designed to ease the flow of traffic through the year 2015 as the area begins to outgrow its current roads. Mr. Woodcock said the Eastern Bypass combined with a \$39.3 million project to widen 13 miles of I-81 to six lanes from Mount Crawford to the 11-North interchange make up about 40 percent of HATS' projected cost. But while interstate money is competed for at the state level, only about \$11 million per year for primary roads is shared by all jurisdictions in VDOT's 11 county Staunton District. He said the funding for the primary extensions in Rockingham County will come from the district level. Most of these projects will be based on a need and placed on the six-year plan with another six to eight years before the project is completed. The proposed cost of the Eastern Bypass is \$56,615,000. The overall total of these projects are \$245,962,000 excluding land acquisition.

At 7:42 p.m., there being no further business and on motion adopted the meeting was adjourned.

REGULAR MEETING

JUNE 28, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John Neff; Council Members Emily R. Dingledine and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Council Member Walter F. Green, III.

Mayor Heath made the following statement concerning his last Council meeting as Mayor of the City of Harrisonburg. He said he has enjoyed being on City Council and the Mayor of the City of Harrisonburg. He said it had been an honor to serve the City in this capacity and it had been a great pleasure in working with people on both sides of the table. Mayor Heath said that during the last few years as a member of the City Council, he feels like Council has become an open organization and anyone can come into the Council Chambers and feel like this is their City and they are part of this group. He said it is his impression that City employees and staff by-in-large are dedicated people, and they are all qualified and interested hard-working people. The City can be very proud of this fact, and if the City did not have these kind of people than being a member of City Council would be much tougher. Mayor Heath expressed credit to the City Manager and stated he has had a tough job and is partly responsible for the City Government being responsive to the people wishes.

✓ Vice-Mayor Neff presented the following resolution for Council's consideration of approval:

WHEREAS, C. Robert Heath has been an active part of the Harrisonburg civic and business community; and

WHEREAS, he served on the Harrisonburg Planning Commission from January 1, 1982 to December 31, 1989; and

WHEREAS, he has served on various City Committees including the Citizens Advisory Committee for the Comprehensive Plan and the Joint Judicial Complex Committee; and

WHEREAS, he has served on City Council from July 1, 1990 to June 30, 1994, serving as Mayor from July 1, 1992 to June 30, 1994; and

WHEREAS, his fellow councilmembers, as he leaves the Mayor's office, desire to make appropriate record thereof;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Harrisonburg, Virginia, does hereby express its sincere appreciation to the Honorable C. Robert Heath for his service to the City and its citizens.

Adopted this 28th day of June, 1994.

VICE-MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Dingledine offered a motion for approval of this resolution. The motion was seconded by Council Member Weaver, and approved with a majority vote of Council Members present with one abstention by Mayor Heath. Council Member Dingledine stated that Mayor Heath has been a real peacemaker and with his cordiality and sense of humor has made the citizens feel welcome at the Council meetings. She said Mayor Heath has an sincere interest in this City and he will be missed. Council Member Weaver thanked Mayor Heath for the style of meeting conducted, she said he has run a very relaxed gavel, made her feel comfortable as a new member of Council, and served as a role model. She said the citizens feel very comfortable in approaching the Mayor to discuss situations. Vice-Mayor Neff expressed his personal appreciation in having the opportunity to work with Mayor Heath. He said Mayor Heath had a direct impact on his involvement with City Council. Mr. Neff said it had been a pleasure and a friendship that will continue, that we will all have big shoes to fill and Council will continue to seek Mayor Heath's advice.

Council Member Weaver offered a motion to approve the minutes as corrected and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓
Ms. Betty S. Redmond, RN, presented the annual report on the nursing activities at the Harrisonburg-Rockingham County Health Department. She explained this year the clinic had a total of 4500 visits compared to 4400 clinic visits last year. These clinic visits includes maternity, well child care, immunizations and family planning. She said pregnancy testing visits are about the same and this is counted as a heavy program the department is very interested in because of pre-natal care. Ms. Redmond said the WIC program is a supplemental food program for women and infant children who have financial eligibility and nutritional needs. This is a program the state encourages the department to increase because of federal money coming through the state for the WIC program. She said the department has not seen any significant increase in tuberculosis. Blood pressure screening is available to the public and the department would like to see more activity for this service. There has not been any increase in sexually transmitted diseases. Foreign travel immunizations is another continued program offered to travelers going into countries requiring certain immunizations. She said other nursing contacts have been home visits at 493 which the department would like to see increased. The department would like to see the clinic visits

decrease so the nursing staff can be used more in the community. She reported on current grant activities in the Central Shenandoah Health District. These funds allow for a full-time nurse, part-time support staff and educational materials. The 1996 goal is to have 90% of all children immunized against the basic vaccine preventable diseases by the age of two years. She said appearance and space continues to be a problem at the present facilities.

✓ Mayor Heath presented the following resolution for Council's consideration of approval:

WHEREAS, tourism is a significant partner in the economic development of the City of Harrisonburg; and

WHEREAS, the City of Harrisonburg has been a major player on the team that makes up the Convention & Visitors Bureau; and

WHEREAS, the Commonwealth of Virginia inaugurated a Tourism Accreditation Program in 1992 to promote and facilitate pleasure and business travel within the Commonwealth; and

WHEREAS, the accreditation program is designed to provide Harrisonburg and Rockingham County with a clearly defined plan of work under which we can improve our tourism preparedness, discover additional opportunities for tourism development, and enhance our existing tourism program; and

WHEREAS, the benefits of earning the designation of an "Accredited" community are numerous, including being awarded priority status by the Virginia Division of Tourism, special recognition in Welcome Centers, and eligibility for special recognition when, and if, a community grants fund is developed for the promotion of tourism by the Commonwealth.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Harrisonburg does hereby give its full support to the Tourism Accreditation Program.

ADOPTED AND APPROVED THIS 28th day of June, 1994.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Mayor Heath explained that the proposed resolution is in support for the Harrisonburg-Rockingham County Convention and Visitors Bureau, to participate in the Virginia Tourism Accreditation Program. Ruth Deskins, Manager of Harrisonburg-Rockingham Convention & Visitors Bureau, stated after successfully completing this grant, one of the benefits the Chamber might accrue would be priority status in applying for these grants. She said

Rockingham County has already endorsed this resolution. Council Member Dingleline is serving as the City of Harrisonburg's liaison for the Convention and Visitors Bureau and will help the Council officially interface with the project as it develops. Council Member Dingleline offered a motion to adopt this resolution. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ Mayor Heath presented a final report on the Erickson Road Extension Study Committee. He said the committee's charge was to "work for a compromise that will satisfy residents, and the City's need for the road", and to "report its findings to the Council for final action". The committee was composed of Diane Foucar-Szocki (Willow Hills resident), Helen Hanson (Neighborhood Coalition leader), Jim Hoak (Pear Street resident), Bob Beasley (Planning Commission Member), John Neff (Planning Commission Member and Vice-Mayor), and Bob Heath (Mayor). He said the committee met a number of times to explore various ways of solving the problem to everyone's satisfaction. Alternate routes "1", "2", and "3", which had been studied by the Planning Commission earlier, were all considered again. Such things as reducing the number of lanes from four to two, setting a speed limit of 35 MPH, and discouraging truck traffic, were considered. However, those measures, as well as certain alternate road locations, were not satisfactory to the Virginia Department of Transportation (VDOT). It is anticipated that VDOT will pay the major portion of the cost of the road. Prior to forming its final opinion, the committee invited all persons owning property adjacent to the proposed road to express their views. Following that meeting the committee formed a unified opinion that a new route, designated Alternate "4", would cause the least disturbance of established neighborhoods and established businesses, and would allow development of open land in the future. Alternate "4" is shown on the map which accompanies this report and is not substantially different from Alternate "3" which had earlier been studied by the Planning Commission. The Committee recognizes that the proposed location of the road in Alternate "4" is not an exact location, and that as development actually occurs along the proposed route, the developer and the City will have to work together to determine the best exact location for the road. The committee also recognizes that the proposed placement of the road cannot be used to stop development of the land involved unless the City is ready to purchase the land, or has acquired the land by some other agreement with the developer.

Vice-Mayor Neff said the committee tried to listen and to incorporate as much of the information received from all the citizens, businesses and property owners as they could. He said this will not stop development from occurring in the planning stages or as development occurs there will be an extensive amount of planning and cooperation between the City and the developer to route this road. The route chosen was the last section of an updated Major Street Plan for Harrisonburg. The plan is to be used as a guide for future road improvements and new streets in the next 20 years or so. Dan Brubaker made a request to make a presentation

to Council concerning this proposed route. He explained as the greatest affected citizen by which ever route the City takes regarding this proposed road, he though this committee's recommendation should have another public hearing. He said the proposal would split his property and make it impossible for it to be developed for R-1 single-family dwellings. Mr. Brubaker said he would have to find a new use for his property. Mayor Heath said in checking with the City Attorney it is not necessary to schedule another public hearing as this proposal is following very closely alternate route number three which has already been to a public hearing. Mayor Heath reiterated that Mr. Brubaker had an opportunity to speak at the public hearing and that the route chosen cannot make everybody happy. Council Member Weaver offered a motion to accept the final report of the Special Study Committee as presented. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from the Planning Commission meeting held on June 15, 1994.

". . . Chairman Wassum explained that the subdivision request had been discussed at the previous month's meeting and that there would be a quick staff review and that Mr. Robert Lanham and Mr. Tim Lacey would be given an opportunity to speak as would Mr. Henry Clark, representing the Preston Heights neighborhood. If anyone else has anything new to address to the Commission, they would be given the opportunity to do so, but that there was no reason to repeat the issues brought up at last month's meeting.

Ms. Turner explained that the original request for the 11 lots with 8 variances was on the April 20 agenda. Prior to that meeting, the subdivision was requested to be removed from the agenda by Mr. Tim Lacey, acting on behalf of the owners, Harrisonburg Venture, Inc. It was resubmitted for the May 18 meeting, with a total of 6 variances. At the May meeting, there was one more variance withdrawn, leaving 5 variances. Also prior to the May meeting, a 37 lot plan was submitted that met all City standards, they requested that the 11 lot plat be considered first. If Planning Commission does not recommend approval of the 11 lot plat and the variances, then approval of the 37 lot plan is requested.

Ms. Turner reviewed the 5 variances requested and explained staff's position on each: 1. Reduction of the street centerline radius from the 150 foot minimum requirement to 125 feet. As previously stated, the main staff concern with this variance is safety and the posting of speed limits below 25 mph, which may not be enforceable. 2. Reduction of street width from the required 34 feet to 26 feet (face of curb to face of curb). One concern is access by emergency vehicles such as fire trucks, at least one side of the requested street would have to be posted as no parking if street width were reduced and this would have to be monitored by the Police Department to ensure compliance so that emergency vehicles would be able to access the neighborhood. Another concern is that the City minimum standard was in effect years ago and reinforced in January with the adoption of the City Design and Construction Standards Manual; 30 feet of width (not inclusive of gutter) is required for the City to receive VDOT maintenance funds--staff is concerned with setting a precedent if street width is reduced, as this was previously discussed and she said she would not spend a lot of time on this issue only to say that nothing was so unique about this property that granting the variance would not set a precedent for future development in the city. 3. Request for elimination of sidewalks. The Design and Construction

Standards Manual does require sidewalks on at least one side of the street. 4. The maximum length of a cul-de-sac in the Design and Construction Standards Manual is 500 feet; the cul-de-sac in the plan is approximately 850 feet long. Problems with long cul-de-sacs are that they are not very efficient for service delivery such as utility service, trash pick-up, removal of snow, or sweeping streets; it also takes longer for emergency service response if there are no through streets to an area. 5. The developer has asked for a waiver of the requirement for a preliminary geotechnical report and has stated that because the site is all rock that this report is not needed. She checked with the City Engineer who said that because the site contains rock this report is needed. There may be pockets where the rock is not solid all the way through. The staff is still recommending that these variances not be granted. She stated that as discussed in the last meeting, the City Subdivision Ordinance allows variances if the restrictions and conditions that the City imposes "would cause unnecessary hardship is strictly adhered to, and where, because of topographical or other conditions peculiar to the site . . . a departure may be made without destroying the intent of such provisions" Planning Commission may authorize a variance. The State Code also has a provision that "A subdivision ordinance may include provisions for variations and or exceptions to the general regulations of the subdivision ordinance. In cases of unusual situations, or when strict adherence to the general regulations would result in substantial injustice or hardship" staff does not feel that the justifications provided are so severe that they result in substantial injustice or hardship for the developer on this property. The City staff's position remains that the 11 lot plan with the variances requested should not be approved.

Ms. Turner continued that at the May meeting, staff was instructed to set up a meeting between Mr. Lanham, Mr. Lacey and Mr. Neff. This meeting took place, but no changes to the request resulted from this meeting.

Mr. Robert Lanham, of Harrisonburg Venture, Inc., the property owner, stated that he did not have anything to add since the last meeting, but requested that Planning Commission take some action tonight.

Mr. Lacey reiterated that the uniqueness, steepness of the terrain and the property being surrounded by three existing streets boxing the property, that they felt they had come up with the best possible plan for the city and the neighborhood, to offer something a little better than what was already there, while still offering the 75 foot buffer. If they were to come up with a different plan that eliminated the tight radius, they would be coming off of West View Street with more than a 10% grade. He thinks the State Code says a "unique" situation, and he thinks this is a very unique situation and that you would be hard pressed to find another situation, with 92 feet of terrain grade and three existing streets surrounding a 12 acre parcel in the city. There's a lot of R-1 land available in the west end of the city, near Switchboard Road that is wide open to be developed more in line with the requirements of the standards manual and does not have the uniqueness that this property does.

Mr. Henry Clark, representing the Preston Heights neighborhood, referenced a letter he sent to Planning Commissioners, dated June 7, 1994. He said he stands by this letter and that he does know the difference between a variance and a special permit use. There is a vast difference, but the process is identical. He spoke about the idea of a "justification" for doing something and asked, "why do you have to justify something, why can't you do something on the basis that this is the best way to do something. Why do you have to justify it as compared to something else, how could you better develop a piece of land?" He appreciates the adoption of standards. He said that the report of the Planning Director is full of expressions, "in our

opinion...this does not justify...this was not a hardship." They are not giving any standards of what would be; they are just saying in our opinion, these don't (justify a hardship). It's opinion. In his opinion, there is no more unique piece of property in the city than the one under discussion. There are no other with the potential traffic conditions existing on one side, the residential conditions that exist on the other, the topography, and the many attempts that have been made to come up with a reasonable scheme of development. There's no other assertion here that this 11 lot subdivision is not in full compliance with the Comprehensive Plan which is the basic guideline for development of the city. Emphasis has been on not wanting to set a precedent. He spoke about the staff's references to potential disasters and service delivery. He has not heard about any cases where variances from the construction standards of today, applied to instances in the past, have resulted in any emergency problems such as fire department or police not being able to access a site, and, in his opinion, there have not been any. In the staff reports, not one single incident of this type has been cited. This plan meets far higher standards than exist in other areas of the city, even in newer parts of the city. This is a marvelous solution as proposed to a difficult problem.

Chairman Wassum said that although this is not a public hearing, if anyone had anything different to speak about, public input would be taken now.

Dr. Beasley said that one thing that hasn't come up is if Planning Commission votes for the 11 lot plan, which people in the community want, it still goes to City Council. If Planning Commission votes for the 37 lot plan, no one else will receive it. He thinks it should go to both Planning Commission and City Council and that's why he approves of the 11 lot plan, so it can go to City Council and they can act on it.

Mr. Rexrode asked if the 11 lot plan is approved and then they can not sell the lots, he can see a future request to increase the density and keep the narrow street. If there is any thought to do this, then the developer should not bring such a request in.

Mr. Lanham said if they proceed and record the 11 lot plat and are unable to sell lots, then it does not put any obligation on Planning Commission to approve anything else. The alternative is to disapprove it now. They will develop the 37 lot plan even though they do not want to. You always have the right to ask for something else, but Planning Commission always has the right to turn it down.

Mr. Rexrode stated that he wanted the minutes to reflect that the developer has been advised not to come in with greater density and the narrower streets.

Mr. Wassum asked what Mr. Lanham plans to do with the 37 lot plan if Planning Commission recommends approval of the 11 lot plan. Mr. Lanham responded that it depends on the action of the City Council on the 11 lot plan. If Council turns it down, then they will have to come back in. If Planning Commission recommends approval of the 11 lot plan, he will ask for the 37 lot plan to be deferred.

Mr. Homan asked about the geotechnical report and what could Mr. Lanham do to address this concern. Mr. Lanham spoke about the existence of rock on the site and that in preparing for the development of streets, they were going to prepare for the worst. Mr. Lacey added that they had agreed to the one year maintenance bond and that during the construction process, the City Inspectors look at the work in progress and discrepancies would be addressed at that time.

Mr. Neff commented that during the construction period, if any unsuitable materials or conditions other than what is the norm exists,

the developer is responsible for maintaining the proper compaction and parameters based on the design drawing. Mr. Lacey spoke about the CBR tests done during the construction.

Ms. Whitten asked about the mention in the agenda materials about an amendment to the 37 lot plan. Ms. Turner said this was an offer by the developer to cul-de-sac Myers Avenue in the 37 lot plan, reducing the number of lots to 36.

Ms. Whitten referenced Mr. Lanham's previous letter regarding maintenance costs to the City and asked the source of the figures. Mr. Lanham explained that the sources were Jim Baker, Superintendent of Streets, and VDOT in Richmond.

Mr. Neff stated that he is looking at this development and the construction standards, as well as taking into consideration what is appropriate for the city as far as design in the community and, what he thinks is the right decision to make. He looks at this as an isolated case with respect to: topography, the 90 foot fall from top to bottom, significant storm drain considerations, bounded by a minor arterial which necessitates the need for buffer, that this is a somewhat abnormal lot size within the City, and what he feels is best for that area and the development of that property. It was not difficult for him to say that he would support the 5 variances and he can give significant reasons for dealing with this parcel as unique and that he can support the 11 lot plan.

Ms. Whitten expressed a concern that the greater the density for the subdivision here, the more traffic there will be on the narrow part of Paul Street. She has concern for those residents.

Mr. Neff explained that for the future, he would support a City effort with others to change VDOT standards for receiving state maintenance funds. He questioned how to deal with and encourage affordable housing and still meet state maintenance fund requirements.

Chairman Wassum said that regarding the variance for the 125 foot turn, in seeing the low number of lots in the subdivision and at the turn, there will not be much traffic on the street, so he has no trouble with the 125 foot. The only trouble he has with the 26 foot wide street, is not receiving VDOT funds. He agrees with Mr. Neff that the City ought to look into trying to change the VDOT standard. The low density addresses the street radius, width and sidewalk variances. He can see more wrong with the 37 lots than with the 11 lot plan such as: opening the area to more traffic and through streets, damage and nuisance from blasting, and incompatibility with Preston Heights.

Dr. Beasley moved that the Commission recommend approval of the 11 lot plan and the requested variances. Mr. Neff seconded. Chairman Wassum asked for a roll call vote. Voting aye were: Dr. Beasley, Mr. Neff, Ms. Whitten, Mr. Rexrode, and Mr. Wassum. Opposing votes were: Mr. Homan and Mr. Stewart. The motion carried by a vote of 5 to 2.

Chairman Wassum reminded Mr. Lanham that a letter withdrawing the 37 lot plan was expected. Mr. Lanham answered that he was going on record as withdrawing until Council's action, and would submit a letter to that effect the next day. . . ."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request is for preliminary subdivision plat approval and variance approval for

Myers Estates, lots 1-11, located at the end of Myers Avenue, on the north side of Cantrell Avenue and west of Paul Street. Ms. Turner said this request for a subdivision with a little over 12 acres at the end of the existing Myers Avenue between Myers Avenue and Cantrell Avenue was reviewed by Planning Commission starting as early in April. She said that the original request for the 11 lots with eight variances was requested in April, but prior to that April meeting a request was made to remove the subdivision from the agenda. When the request returned to the Planning Commission in May, it contained the same 11 lots with 6 variances. She said during the May meeting, one more variance was withdrawn, leaving five variances. Ms. Turner said developers have told the Planning Commission that a plan of a 37 lot subdivision would also be feasible on the same property. These lots would be single family but much smaller lots at the minimum required lot for development of 10,000 feet in the R-1 single family zoning classification. She said the five variances requested were reviewed. One concern was the reduction of the street centerline radius from the 150 foot minimum requirement to 125 feet. A second concern was the reduction of street width from the required 34 feet to 26 feet (face of curb to face of curb). A third concern was access by emergency vehicles such as fire trucks, with one side of the street being posted as no parking if street width were reduced and this would have to be monitored by the Police Department. Another concern is that the City minimum standard was in effect years ago and reinforced in January with the adoption of the City Design and Construction Standards Manual; 30 feet of width (not inclusive of gutter) is required for the City to receive VDOT maintenance funds. She said there was a request for elimination of sidewalks and a request to extend the maximum length of a cul-de-sac to approximately 850 feet long while the standard is currently 500 feet. Ms. Turner explained some of the problems with long cul-de-sacs are they are not very efficient for service delivery such as utility service, trash pick-up, removal of snow, and sweeping streets. It also takes longer for emergency service response if there are no through streets to an area. The fifth variance concern is that the developer requested a waiver of the requirement for a preliminary geotechnical report to be done on the site which is a requirement of all City developments. She said Planning Commission is recommending approval of the 11 lot plan with the associated five variances that had been requested. Ms. Turner said if the plan is approved then the developer will be required to install the needed signage which is above and beyond a normal residential subdivision. Council Member Weaver offered a motion that the recommendation of the Planning Commission to approve this 11 lot subdivision with the five variances be approved. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council Members present. Council Member Weaver stated this is an unusual situation concerning the end of this subdivision, where the choice lots of this subdivision have already been taken. She said she was voting for this plan because the other plan included 37 lots which would increase traffic on Paul Street and open up cuts on Cantrell Avenue. Council Member Dingledine stated because of the topography of this area its

location has been vacant for a number of years. By voting for these five variances and the 11 lot plan, the City will realize more tax dollars from this land. Vice-Mayor Neff reiterated by voting for this 11 lot plan that he is looking at this development and the construction standards, as well as taking into consideration what is appropriate for the City as far as design in the community and what is the right decision to make. He said with respect to the topography there is approximately a 90 foot fall from top to bottom, and there will be significant storm drain considerations. He said since the lot sizes are somewhat abnormal and being bounded by a minor arterial road, the area will have the need for a buffer. Vice-Mayor Neff said in order to facilitate the goals of the Comprehensive Plan that the City needs to look at the potential approach with VDOT, along with other communities in this state that are members of VML, to consider modifying the urban standards for street widths. If this could occur state maintenance funds might be available for lesser width streets than the City is getting paid for now.

✓ Planning Director Turner presented the Harrisonburg-Rockingham Bicycle Plan. Ms. Turner called Council's attention to a large scale map of the area and explained the Harrisonburg-Rockingham Bicycle Plan was developed by a committee composed of City Staff members, representatives from VDOT, and interested citizens from the community. During the Comprehensive Plan process it was requested to have bicycle routes available in the City and a bicycle plan for development of routes in the City. She said it was brought to the Planning Commission's attention that in development of VDOT road projects funded by VDOT, the only way VDOT would consider putting bike facilities on the streets to be constructed or improving is if the City actually has a plan that has been adopted by the local governing body. Vice-Mayor Neff made a motion to set the Public Hearing for the Harrisonburg-Rockingham Bicycle Plan on July 26, 1994. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request to rezone the property located at 860 South High Street from R-2 to B-2. Council Member Dingledine offered a motion that the rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart explained that a Tree Policy Working Group report had been received by Council in March. He said this report is being presented again with several recommendations. One of those is that the City Attorney has recommended that Council initially adopt this as a policy and not as an ordinance and delete the reference to the \$500 penalty for violation of the policy and/or ordinance. He said it has been suggested that in lieu of establishing a Tree Commission at this point that this Tree Policy Working Group continue to work together for several months to refine the policy with a hopeful implementation date of the policy

by January 1, 1995. Council Member Weaver wanted to know how HEC would fit into this group. City Manager Stewart explained HEC has been involved in the public tree group and is considered a part of this group. Council Member Weaver offered a motion that Tree Policy Working Group recommendations be approved as a policy to proceed forward with the implementation date of January 1, 1995. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓ Finance Director Seal presented the City's revised Purchasing and Contracting Policy Manual. There have been a few changes in the policy such as the old policy stated that the City Manager was the Purchasing Agent, now the revised policy states this is a City employee appointed by the City Manager. He said other changes in the policy includes a bid bond now is in the amount of \$100,000, nominal purchases of \$1,000, that the Purchasing Agent can make purchases of \$25,000 or less without getting bids under special circumstances, and added article L to the policy manual. He said article L essentially specifies what must be done in obtaining bids. Mr. Seal said bids below \$10,000 requires written sealed bids and bids above \$10,000 requires a formal bid process. He said standards and guidelines were established concerning petty cash and when a purchase order must be used. City Manager Stewart stated the centralized approach discussed at retreat using existing Staff to try and deal with the big ticket items from a central purchasing stand point should allow the individual departments some flexibility. Vice-Mayor Neff offered a motion to approve this Purchasing and Contracting Policy Manual. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart explained that a request from Skyfire Fireworks Displays has been made for a fireworks display at Spotswood Country Club, on July 4, 1994. He said the Fire Department has reviewed the request and is prepared to issued a permit for the display. Hazardous Material Officer Miller stated the department requires that the show provider have a one million dollar limit of liability to protect the people putting on the show as well as the public viewing the show. The Fire Department also requires a Hold Harmless Agreement which the department requires releasing the City from any damage that might occur. He said the department will conduct an inspection of the site. Council Member Weaver offered a motion to approve this fireworks display on July 4, 1994. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request from the Salvation Army to close a portion of Monroe Street between Jefferson Street and Ashby Avenue. Vice-Mayor Neff offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a proposed amendment to the

contract with I.V. Harris is to extend their contract period from 48 months to 54 months for their work on the judicial complex. He said there will not be any additional financial commitment as a result of potential approval with this contract amendment, and it has been made very clear this is not an authorization for any further compensation. Vice-Mayor Neff raised the question if the contract had a defined date as well as the termination date. Assistant City Manager Baker explained the original contract was suppose to run with the jail contract which was suppose to end February 4. City Attorney Thumma said it should be noted it is very clear that this is only a reconsideration request. Council Member Dingleline offered a motion to approve this extension of the contract with I.V. Harris. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request from Finance Director Seal for approval of transfer funds to establish in conjunction with recent City Code amendments that authorizes capital projects funds to be established for projects whose total costs exceed \$200,000 and will require completion beyond one fiscal year. Vice-Mayor Neff offered a motion for appropriation to be approved for a first reading, and that:

\$198,155 chge to: 1000 410241-43372 Maintenance and repairs-
Bridges
130,056 chge to: 1000 410241-43374 Maintenance and repairs-
Allowable
93,789 chge to: 1000 410241-48292 Work in Progress-1

\$422,000 approp. to: 1000 990111-49216 Transfers to Capital
Projects
\$172,000 21621 - Bruce Street - Bridge
150,000 21632 - Garbers Church Road Right of Way
100,000 21633 - Washington Street - Bridge and Street

\$150,272 chge to: 2011 372061-48188 - Tanks-Reservoirs
161,968 chge to: 2011 372061-48209 - Western Source
Development
58,430 chge to: 2011 372061-48216 - SCADA
10,159 chge to: 2011 372061-48294 - WIP Annexed area #1
233,000 chge to: 2011 372061-48295 - WIP Annexed area #2

\$613,829 approp. to: 2011 392061-49216 Transfers to Capital
Projects
\$125,398 21634 - West Raw Water Supply
338,159 21635 - Garbers Church Road & Silver Lake Pump
Station
150,272 21639 - Reservoirs Covers

\$254,394 chge to: 2012 472061-48118 - Mains and Appurtenances
55,000 chge to: 2012 472061-48205 - Infiltration
31,897 chge to: 2012 472061-48291 - Engineering/Mapping
150,000 chge to: 2012 472061-48294 - WIP Annexed Are #1

\$491,291 approp. to: 2012 492061-49216 Transfers to Capital Projects

\$276,491 21636 - Blacks Run Interceptor
 124,800 21637 - Park View sewer improvements
 90,000 21638 - Stones Spring Road Sanitary Sewer

\$ 31,920 chge to: 2014 972043-48111 - Machinery & Equipment
 4,794 chge to: 2014 972043-48131 - Radio Equipment
 463,286 chge to: 2014 972043-48285 - Landfill

\$500,000 approp. to: 2014 992042-49216 Transfers to Capital Projects

\$500,000 21640 - Landfill Closure and Monitoring

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council Members present. City Manager Stewart explained that these funds are established in conjunction with recent City Code amendments that authorize capital projects funds to be established for projects whose total costs exceed \$200,000 and will require completion beyond one fiscal year. He said that this is not a request for additional funds as these funds were included in the 93-94 budget. Because these projects were carried forward over more than one fiscal year, it is being requested that these funds be transferred from the operating budget into a capital project fund.

City Manager Stewart explained that in eliminating the Parks and Recreation Department revolving fund effective with the new budget Parks and Recreation needs another \$200.00 in order to have \$400.00 in petty cash to be able to operate effectively. Council Member Dingledine offered a motion to approve the additional \$200.00 in petty cash. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart presented a request from Fire Chief Shifflett for approval of transfer of funds to recover donated funds, grant funds, reimbursements, fire school receipts, received by the Fire Department during the 1993-94 budget year. Vice-Mayor Neff offered a motion for the appropriation to be approved for a second reading, and that:

\$12,549.43 chge to: 1000-31809 Donations
 6,415.19 chge to: 1000-31901 Recoveries and Rebates
 5,512.12 chge to: 1000-32502 Office of Emergency Services
 723.50 chge to: 1000-32514 Two for Life
 1,400.00 chge to: 1000-32520 DMV Grant

\$3,000.00 approp. to: 1000-320132-43100 Professional Services
 3,200.00 approp. to: 1000-320132-45110 Electricity
 1,500.00 approp. to: 1000-320132-45540 Education
 2,300.00 approp. to: 1000-320132-46170 EMS/Medical Supplies
 15,000.00 approp. to: 1000-320132-48113 Equipment

that this will allow the City to make payments by electronic "wire" transfer and will not require the Finance Department to return copies of invoices, etc., to the departments and the purchasing agent. Council Member Dingledine offered a motion that section 4-1-60 be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council Member present.

Bob Sullivan expressed his personal thanks to Mayor Heath for his years of service to the community and City Council. He said he would like to thank City Council for posting directory signs in the halls of the Municipal Building. Mr. Sullivan suggested any resolutions adopted by Council honoring its members should be posted in the Council Chambers or in the hall for a one year period.

Council Member Weaver suggested recognizing Council Member Green and Mayor Heath for their many years of service to the City in the article City Hall Update printed each month in the Daily News Record by Charlene Rice.

Council Member Dingledine stated she had received a telephone call from a citizen concerning whether a time table had been established when Smithland Road would be provided sewer and water. City Manager Stewart explained at the present there is not a time table, but an engineering study is being conducted to develop a plan of service for this area.

At 9:17 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the to City positions and offices on the Board of Public Welfare, and the Harrisonburg Transportation Safety Commission exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia; and consultation with the City Attorney and briefings by staff members pertaining to two (2) proposed contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved in a unanimous recorded vote of Council.

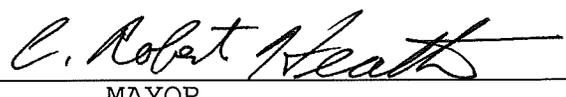
At 10:10 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt 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.

Council Member Dingledine offered a motion that Charles T.

Campbell, 1181 South Dogwood Drive, be appointed to a first term on the Board of Public Welfare to expire on June 30, 1998. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council Members present.

At 10:12 p.m, there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REORGANIZATION MEETING

FRIDAY, JULY 1, 1994

At a reorganization meeting held in the Council Chamber today at 10:00 a.m., there were present: City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Council Members John Neff, Emily R. Dingleline, Agnes Massie Weaver, Hugh J. Lantz, and Larry M. Rogers; and City Clerk Ryan.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, required by Section 42 of the City Charter, to be held in the Council Chamber on Friday, July 1, 1994 at 10:00 a.m., to consider the following matters and take necessary action thereon:

1. Call to order.
2. Oath prescribed by Law, Section 42 of the City Charter: Mr. Hugh J. Lantz and Mr. Larry M. Rogers.
3. Re-organization of City Council:
 - a. Election of MAYOR, 2 year term (Section 7 City Charter).
 - b. Election of VICE-MAYOR, 2 year term (Section 7 City Charter).
 - c. Appoint CITY MANAGER, (Section 38 City Charter).
 - d. Appoint CITY ATTORNEY, 2 year term (City Code Section 3-2-1).
 - e. Appoint COLLECTOR OF DELINQUENT TAXES, 2 years term, (City Code Section 4-1-41).
 - f. Appoint one member of Council to Planning Commission, (City Code Section 10-1-2(c)).

City Clerk Ryan reported that she was in receipt of Oaths of Office, duly taken by Hugh J. Lantz and Larry M. Rogers.

Under Item #3 of today's agenda, "Re-organization of City Council, Section a through e, the following actions were taken:

City Manager Stewart entertained a nomination for Mayor of the City of Harrisonburg. Council Member Dingleline offered a motion that Mr. John Neff be appointed as Mayor of the City of Harrisonburg. The motion was seconded by Council Member Weaver, and approved with a majority vote of Council, with Council Member Neff abstaining.

Mayor Neff expressed appreciation for the support of the Council Members. He said he looks forward to the opportunity of working with members of Council and considering everyone leaders.

Council Member Lantz offered a motion that Mrs. Emily R. Dingledine be appointed to serve as the Vice-Mayor of the City of Harrisonburg. The motion was seconded by Council Member Weaver, and approved with a majority vote of Council, with Council Member Dingledine abstaining.

Council Member Weaver offered a motion that Mr. Steven E. Stewart be appointed as the City Manager for a three year term with the same existing current employment terms. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Vice-Mayor Dingledine offered a motion that Mr. Earl Q. Thumma, Jr., be appointed as the City Attorney. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council was reminded that the present two year term of the Delinquent Tax Collector, held by City Treasurer Beverly S. Miller, will expire as of December 31st of this year. Council Member Weaver moved that Ms. Miller be reappointed to serve as Delinquent Tax Collector for the City of Harrisonburg, beginning December 31, 1994 and expiring December 31, 1996. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Mayor John Neff be appointed to serve as the City Council's representative on the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a majority vote of Council, with Mayor Neff abstaining.

Council Member Weaver offered a motion that City Council meet each month on the 2nd and 4th Tuesday of each month at 7:30 p.m. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council. Council Member Weaver offered a second part of the motion that the code be amended to reflect that each meeting begins with an invocation and pledge of allegiance of the United States. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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

REGULAR MEETING

JULY 12, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingledine; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Mayor Neff welcomed the two new Council Members Hugh Lantz and Larry Rogers to their first formal Council meeting.

Vice-Mayor Dingledine offered a motion to approve the minutes of June 28, 1994 as received and to dispense with the reading of the minutes. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. Council Member Weaver offered a motion to approve the minutes of July 1, 1994 as received and to dispense with the reading of the minutes. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

James Orndoff, Director of Dayton Learning Center, presented a brief report on Project Re-Entry which consists of special funding of an educational transitioning program for inmates at the new Joint Judicial Center. Mr. Orndoff said Project Re-Entry is for the period of July 1, 1994 through June 30, 1995. He said a new lead teacher and transition specialist have been hired as the classroom will soon be completed in the new facility, and during the first year of the project the program hopes to serve 60 inmates. Mr. Orndoff said the whole project is predicated on the idea that a lot of inmates returning to the jail facility could be prevented if they were the recipient of appropriate educational services, but also linked to appropriate support services upon release. Mr. Orndoff said as the year progresses, he will provide Council with an updated report.

✓ Council Member Rogers presented his proposal to have a "Harrisonburg Family Day" at Purcell Park. Mr. Rogers explained Harrisonburg's Family Day would include activities bringing families and the community closer together. A tentative date has been scheduled for September 24, at Purcell Park. He said minimal cost to the City is expected for the event, with private donations expected to pay for a band and the food for an estimated crowd of 3,000. The Police Department will already be on duty and the City would be able to provide bus service to the park. Council Member Rogers will serve as the Coordinator for the event in establishing different departments, and will be working with the Chamber of Commerce. A progress report on the picnic will be presented at the next scheduled Council meeting July 26. Council Member Weaver offered a motion to approve the concept of the Harrisonburg Family Day as presented by Council Member Rogers. The motion was seconded

by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

City Manager Stewart explained that in the past the City of Harrisonburg, James Madison University and Rockingham County have had informal agreements for mutual aid for its law enforcement agencies. This agreement represents a more standard formalized written mutual aid agreement. Mr. Stewart said Rockingham County has already approved the agreement and it is scheduled for consideration by James Madison University's board of visitors in August. Police Chief Harper said this concept has been practiced across the country where jurisdictions will mutually agree to assist each other in certain types of events. He said some events such as serial rapes, murders, armed robberies, or other felonies could require investigating by both the City and County. Council Member Weaver offered a motion for approval of this Mutual Aid Agreement. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented the delinquent tax report to Council which was prepared by City Treasurer Miller as required by the State Code and the City Code. The following delinquent taxes remained unpaid at the close of fiscal year ending June 30, 1994:

Prior to 1991	Real Estate	\$43,681.46	
1991	Real Estate	18,112.80	
1992	Real Estate	49,879.30	
1993	Real Estate	64,771.44	Short year
1993	Real Estate	93,803.60	12-5-93
1994	Real Estate	129,095.03	6-5-94
1993	Supplemental Levy	7,329.94	
1993	Total	295,000.01	

This figure includes a real estate levy for this period of \$11,959,809.73 which is a 97.53% collection rate. If history is any indication this figure will eventually be at 100% of the levy.

1991	Personal Property	29,140.00
1992	Personal Property	43,439.18
1993	Personal Property	201,246.60

This figure of \$201,246.60 is out of a total levy of \$4,812,549.33 and this represents 95.82% collection rate and if history repeats itself this figure will eventually be about 100% of the levy.

City Attorney Thumma explained that the City Treasurer is always trying to collect the delinquent taxes. Council Member Weaver offered a motion to accept this delinquent tax report as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for reserves for encumbrances for some outstanding contracts and purchase orders

that were committed prior to June 30, 1994. Council Member Weaver offered a motion for the appropriation with recommendations to be approved for a first reading, and that:

\$169,453.55 chge to: 1000-22050 Reserve for Encumbrances
 7,443.50 chge to: 2011-22050 Reserve for Encumbrances
 22,200.00 chge to: 2012-22050 Reserve for Encumbrances
 93,665.00 chge to: 2013-22050 Reserve for Encumbrances
13,307.00 chge to: 2112-22050 Reserve for Encumbrances
 306,069.45 Total

\$169,453.55 approp. to: 1000-110111-121511-122011-122211
 320132-350532-410121-410241-410741-420241-
 420641-430221-710171-710471-810121
 General Fund
 7,443.90 approp. to: 2011-372061-48181 Water Fund
 22,200.00 approp. to: 2012-472061-48291
 2012-472061-43140 Sewer Fund

93,665.00 approp. to: 2013-872081-48253 Transit Buses
13,307.00 approp. to: 2112-772141-48111 Central Stores
 Operating Fund
 306,069.45 Total

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

✓
 City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 2-3-23 of the Harrisonburg City Code. City Attorney Thumma explained that this section would be changed to add an invocation and pledge of allegiance to the order of business. Council Member Weaver offered a motion that section 2-3-23 be approved for a second reading. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

✓
 City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 4-1-60 of the Harrisonburg City Code. Finance Director Seal explained that this will allow the City to make payments by electronic "wire" transfer and will not require the Finance Department to return copies of invoices, etc., to the departments and the purchasing agent. Council Member Rogers offered a motion that section 4-1-60 be approved for a second reading. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

At 8:12 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to City positions and offices on the Harrisonburg-Rockingham Regional Sewer Authority, Rockingham Development Corporation and Harrisonburg Transportation Safety Commission and recommendations for Board of Equalization exempt from the public meeting requirements pursuant

to Section 2.1-344(A) (1) of the Code of Virginia. Discussion and consideration of the acquisition of real property to be used for a public purpose, namely streets, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (3) of the Code of Virginia; and consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. The motion was seconded by Vice-Mayor Dingledine, and approved in a unanimous recorded vote of Council.

At 9:15 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

Vice-Mayor Dingledine offered a motion that Henry C. Clark, John R. Gordon, Warren L. Braun, and Roger D. Baker, be reappointed for another four year term on the Harrisonburg-Rockingham Regional Sewer Authority to expire on July 14, 1998. Marvin B. Milam and Elon W. Rhodes were reappointed as alternates on the Harrisonburg-Rockingham Regional Sewer Authority. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that J. Nelson Liskey, Edward P. Shank, Irvin C. Lee, R. Nelson Hawkins, and Edwin N. Cook be recommended for appointment to the Board of Equalization for the City of Harrisonburg. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that Hugh Lantz, 203 Divot Drive, be appointed to the Rockingham Development Corporation for a two year term and that Dr. Joseph Gardner, 295 Birdie Circle, be reappointed to the Rockingham Development Corporation for a one year term. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. The City Manager and County Administrator will serve as ex officio members which is subject to approval by the Rockingham Development Corporation Board of Directors.

Council Member Weaver offered a motion directing City Attorney Thumma to proceed with condemnation procedures to acquire right-of-way on Garbers Church Road and Washington Street. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

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

Yvonne Ryan
CLERK

John N. Hoff
MAYOR

REGULAR MEETING

JULY 26, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingledine; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Mayor Neff delivered the invocation and led everyone in the Pledge of Allegiance.

Council Member Weaver offered a motion to approve the minutes of July 12, 1994 as received and to dispense with the reading of the minutes. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. Vice-Mayor Dingledine offered a motion to approve the minutes of the June 21, 1994 Special Meeting as received and to dispense with the reading of the minutes. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

At 7:34 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News Record on Monday, July 11, and Monday, July 18, 1994:

The Harrisonburg City Council will hold a public hearing on Tuesday, July 26, 1994 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the Harrisonburg-Rockingham Bicycle Plan and a recommendation from the City Planning Commission to approve the plan.

Copies of the proposed Harrisonburg-Rockingham Bicycle Plan and the recommendation from the City Planning Commission 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.

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

Steven E. Stewart, City Manager

Planning Director Turner called Council's attention to a large scale map of the area and explained the Harrisonburg-Rockingham Bicycle Plan was developed by a committee composed of City Staff

members, representatives from VDOT, and interested citizens from the community. During the Comprehensive Plan process it was requested to have bicycle routes available in the City and a bicycle plan for development of routes in the City. Ms. Turner said it was brought to the Planning Commission's attention that in development of VDOT road projects funded by VDOT, the only way VDOT would consider putting bike facilities on the street to be constructed or improved is if the City actually has a plan that has been adopted by the local governing body. A plan did not exist on the Port Republic Road project or the Market Street improvements. If a plan is presented VDOT will participate financially in the construction of bicycle facilities as well as the actual street they are involved in. This is a basic plan that does not require any funding, it is a plan to consider for future projects.

Michael Neupauer, President of the local bicycle club, stated that he supports the bicycle plan and hopefully it will be approved. He said the plan should be considered when road projects are developed and that the bicycle plan should be reviewed once a year. Art Fovargue, a member of the bicycle panel, stated that he supports the plan. He said besides the routes and planning process in the plan that there are a number of goals and objectives that have to do with safety, law enforcement, education and other aspects of bicycling which he feels are equally important. He said hopefully if the plan is adopted the City and County will look for ways to support some of the education for motorists and bicyclists. John Maxfield, stated that he supports the bicycle plan.

City Manager Stewart stated that Sandra Pennington of 507 West Market Street had contacted him concerning that more educational material be available for cyclists in the community. She requested that Council consider the possibility of some sort of licensing procedures for bicycle operators. Mr. Stewart requested that the City Attorney research this matter as suggested. There being no others desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Council Member Weaver referred to map A3 of the bicycle plan and stated that it should be amended to exclude the Port Republic Road route at I-81. She said this route is too dangerous for any bicyclists. Ms. Turner said this route could be taken out now and put back into the plan later. Zoning Administrator Cook referred to page 21 of the bicycle plan which states that this area has a high density of bicycle traffic, primarily JMU students commuting between the campus and residential areas east of I-81. With the high volume of motor vehicle traffic and the effect of the I-81 interchange on traffic patterns, there exists a very high potential for conflicts of a serious nature. It is recognized that there is no simple solution to this problem, and that the final solution may be a combination of facilities. Some possible facilities that would aid in this area are:

- use of existing underpass at I-81 connecting the campus with the Convocation Center.
- construction of overpass at I-81 south of Port Republic Road from Purcell Park.

- use of future overpass over I-81 connecting the present JMU campus with the proposed School of Science and Technology.
- modifications to the Port Republic Road bridge over I-81.

It is recognized that this area needs the most help and design from VDOT and other engineering services to upgrade this high traffic area of bicyclists. Council Member Weaver offered a motion to approve this bicycle plan with the amendment to eliminate the route crossing I-81 at Purcell Park. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

✓ Council Member Rogers presented an updated progress report to Council on Harrisonburg Family Day. He said the Harrisonburg Family Day is sponsored by the Harrisonburg City Government, local businesses, organizations and citizens of the community. Ruth Deskins of the Chamber of Commerce will be playing a major role in promoting the event and Garrison Press has agreed to print promotional information at no cost. He said local non-profit organizations, which promote family well being, will be given an opportunity to have a table at the event to promote their organization and how they help local families. Mr. Rogers said 1200 hotdogs and buns, 400 hamburgers and buns have already been donated for the picnic. The Harrisonburg's Family Day Steering Committee will meet again at 4:00 p.m. on Wednesday July 27, at the Municipal Building. Another progress report on the picnic will be presented at the next scheduled Council meeting August 9. The picnic has been scheduled for September 24, at Purcell Park with a rain date of September 25.

✓ Street Superintendent Baker presented a progress report on the implementation of the new solid waste ordinance. He said the City is serving 7300 residential accounts and 460 commercial accounts which has changed because some apartment complexes have been added to the accounts. Mr. Baker said progress has been made since the changes were made and he anticipates continued improvement. The City is collecting about 37 tons of material each day, but with six fewer workers. The reduction in the number of workers has extended the time it takes trash collectors to cover their routes. Mr. Baker said since grass and brush collections have been moved to Wednesday the workers have noticed a reduction of these items going into the steam plant. He said some of the concerns by residents have been on the new City policy to limit residential trash pick-up to five units and commercial pick-up to 10 units, the maximum 35-gallon container and the 75-pound weight limit for containers. Mr. Baker said there are 30 customers who still have the 45-gallon containers and want to continue using these containers. Council Member Weaver urged Mr. Baker to continue to allow the use of the 45-gallon containers, but to strictly enforce the 75-pound weight limit for containers. Mr. Baker said some citizens have inquired about special events such as weddings, parties and moving in and out of homes and whether a special fee could be established.

✓ Solid Waste Director Holsten explained that the merger of the

landfill operations of the City and Rockingham County on July 1 has run fairly smoothly. He said the additional handling of paper work now required will delay cash flow about two week and there has been a renewed interest in curbside recycling bins. Overall the community is more trash conscience and this will improve recycling. He said buyers are really interested in recycled newspapers as the value has increased.

✓ City Manager Stewart explained that the Retail Merchants Association wants to hold a street rod car show on August 27 and has requested blocking off Court Square. He said Staff would like to have a calendar of events from the Retail Merchants Association and Citizens for Downtown on a 12 month schedule so they can anticipate the kind of activities being planned. Council Member Weaver offered a motion to approve this event on August 27. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart explained that last year a town meeting was held at Thomas Harrison Middle School on September 30. This was a direct follow-up to one of the goals Council had set at the retreat. He said it is recommended that Council have two "town meetings" this fiscal year and two next fiscal year. It is suggested that each meeting be held in a different quadrant of the City. Mr. Stewart stated that the focus of the meetings would be to look at the mission statement and to discuss the long term goals of the City that Council develops at the September 9, and 10 retreat. It was suggested holding the meeting at Simms School on Tuesday, November 1, as the first option with Thursday, November 3, as the second option. The April, 1995 schedule will be discussed at a later date.

✓ City Manager Stewart explained that on June 14, Council took action following the public hearing and recommendation of the Planning Commission to rezone property located at 548 East Market Street. The present owners of the property have requested that the action to rezone to professional offices be rescinded and left as multi-family residential usage. Mr. Sherwin Jacobs who represented himself as having a purchase contract on the property according to the property had no legal interest in the property at the time he appeared before Council on June 14. Council Member Lantz offered a motion that this rezoning be rescinded back to its original status. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on July 20, 1994.

"....Chairman Wassum read the request of Mr. and Mrs. Patrick Sweet to close and vacate the portion of an alley behind 488 South Mason Street. Chairman Wassum asked Ms. Turner to review the request.

Ms. Turner referred to a tax map and explained that this was a request from Mr. and Mrs. Patrick Sweet to close and vacate a portion of the alley that runs behind their lot, Lot 29, located at 488 South

Mason Street. The alley involved runs from Paul Street north, approximately 340 feet, to another alley which accesses Mason Street. The Sweets are requesting to close an approximately 58 foot long portion of the 10 foot wide alley. The Sweets felt that this alley is unsafe and is almost closed to vehicular traffic due to tree and plant growth. Ms. Turner said that they have received signatures from all surrounding property owners indicating their support. There are no utilities in the alley and it is not needed for service delivery. There are no objections from staff to close and vacate this alley.

Mr. Neff asked about the possibility of contacting the other neighbors to see if they would be interested in closing the whole alley.

Chairman Wassum said it looked like there was access to at least three of these lots on Paul Street from the alley.

Pat Sweet explained that he had meet with all the neighbors and they had all concluded that because of various problems involving ingress and egress, closing the entire alley was not a feasible solution. Discussion included problems that would involve lots 15, 16, 23A and lots 24 through 32.

Mr. Homan asked who owned 23A and how did you get to it?

Mr. Sweet explained that 23A was owned by Mr. Coulter who also owned lot 28 and 23A was a big empty field.

Dr. Beasley asked if Mr. Sweet was planning to purchase the property. Mr. Sweet answered, "Yes".

Mr. Homan moved to recommend approval and to appoint a Board of Viewers. Ms. Whitten seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

✓ Planning Director Turner called Council's attention to a large scale map of the area and explained that this was a request from Mr. and Mrs. Patrick Sweet to close and vacate a portion of the alley that runs behind their lot, Lot 29, located at 488 South Mason Street. The alley involved runs from Paul Street north, approximately 340 feet, to another alley which accesses Mason Street. Ms. Turner said the Sweets are requesting to close an approximately 58 foot long portion of the 10 foot wide alley. The alley is unsafe and is almost closed to vehicular traffic due to tree and plant growth. Ms. Turner said the Planning Commission have received signatures from all surrounding property owners indicating their support. There are no utilities in the alley and it is not needed for service delivery. She said that the Planning Commission has recommended that the request be approved and that a Board of Viewers be appointed to review this request. Council Member Weaver offered a motion to set a public hearing to consider this alley closing request on August 23, 1994, and that Marshall A. Firebaugh, Wilmer C. Byrd, Sr. and Edward E. Hughes be appointed to the Board of Viewers. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning

Commission meeting held on July 20, 1994.

"....Chairman Wassum read the request of the Salvation Army to close a portion of Monroe Street, between Jefferson Street and Ashby Avenue, including a triangle of land owned by the City and located between Ashby Avenue, Jefferson Street and Monroe Street. Chairman Wassum asked Ms. Turner to review the request.

Ms. Turner explained that Mr. Bob Sullivan, representing the Salvation Army, had notified her that he would be unable to attend this meeting and that it was her understanding that if there were a problem that he would like to have the request tabled. She referred to a block map and explained that this was a request to vacate a portion of Monroe Street, approximately 230 feet in length, located between Jefferson Street and Ashby Avenue. It is also requested that an adjacent triangle of land owned by the City and approximately 3,750 square feet in area also be conveyed to the Salvation Army. This area is leased by the City to the Salvation Army and has been used for green space and parking for years. The Salvation Army is planning improvements to its emergency shelter at 217 Monroe Street and plans to utilize this area as yard and parking space.

There are no staff objections, however staff would like to point out and request that if this is granted, Ashby Avenue be left open for possible street connection to Liberty Street.

There are city utilities located in this right-of-way. A 25 foot wide sewer easement will need to be maintained, as well as a 15 foot wide electric easement centered on an overhead power line on the north side of the right-of-way. Provided that these easements are retained and that it is recognized that Ashby Avenue should be reserved for future street development, there are no objections to the request.

Chairman Wassum asked for questions or comments.
Ms. Whitten moved to recommend approval and to appoint a Board of Viewers. Dr. Beasley seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request of the Salvation Army is to close a portion of Monroe Street, between Jefferson Street and Ashby Avenue, including a triangle of land owned by the City and located between Ashby Avenue, Jefferson Street and Monroe Street. Ms. Turner explained that this was a request to vacate a portion of Monroe Street, approximately 230 feet in length, located between Jefferson Street and Ashby Avenue. It is also requested that an adjacent triangle of land owned by the City and approximately 3,750 square feet in area also be conveyed to the Salvation Army. This area is leased by the City to the Salvation Army and has been used for green space and parking for years. Ms. Turner explained that the Salvation Army is planning improvements to its emergency shelter at 217 Monroe Street and plans to utilize this area as yard and parking space. She said the Planning Commission has requested that if this request is granted, Ashby Avenue be left open for possible street connection to Liberty Street. There are City utilities located in this right-of-way. A 25 foot wide sewer easement will need to be maintained, as well

as a 15 foot wide electric easement centered on an overhead power line on the north side of the right-of-way. Provided that these easements are retained and that it is recognized that Ashby Avenue should be reserved for future street development, the Planning Commission recommends approval of this request. Council Member Weaver offered a motion to set a public hearing to consider this alley closing request on August 23, 1994, and that Marshall A. Firebaugh, Wilmer C. Byrd, Sr. and Edward E. Hughes be appointed to the Board of Viewers. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on July 20, 1994.

"...Chairman Wassum read the request for a Public Hearing for Fred Dooley to rezone Lot 39, 860 South High Street, located on the south side of South High Street from R-2 "Residential District" to B-2 Conditional "General Business". Chairman Wassum went into Public Hearing and asked Ms. Turner to review the request.

Ms. Turner referred to a tax map and described the request and the surrounding properties. She explained that this area contains a mixture of zoning classifications and uses. To the west is an M-1 "General Industrial" area. East, on the opposite side of Logan Lane and south, behind the Dooley property are large R-2 "Residential District" areas. On the opposite side of South High Street there is a B-2 "General Business" area and also R-2 areas. There are a mixture of industrial, commercial and residential uses in the surrounding area.

Mr. Dooley has recently renovated the house on this property and currently uses it as a residential duplex. In April 1993, City Council granted permission for this structure to encroach on the public right-of-way so that Mr. Dooley could obtain building permits to undertake the renovation. At this time Mr. Dooley is interested in having the property rezoned to Conditional B-2 and has proffered that the property would be used for professional offices only. His intention is to use the house located on the property as a photography studio.

The Comprehensive Plan's Land Use Guide recommends this corner of Logan Lane and South High Street for the "Neighborhood Residential" land use classification. Property to the west (adjacent on High Street) and north (across High Street) is recommended for commercial use. The recommended use for property to the east, on both sides of High Street, is neighborhood residential.

A use other than residential for this property is reasonable as everything fronting High Street south of Logan Lane, is zoned industrial and is recommended for commercial use in the Comprehensive Plan. An extension of the adjacent industrial zoning classification to the Dooley property would not be desirable, however, because of its proximity to residential uses. The requested rezoning to conditional B-2 provides a logical transition from the industrial zoning to the residential uses on Logan Lane and High Street.

Although the Comprehensive Plan recommends this area for neighborhood residential, the fact that the Plan is general in nature should be recognized. This particular piece of property is bordered to the west and north by areas recommended for commercial use and to the south and east by areas recommended for residential use. The property has frontage on Logan Lane, a local street and on High Street, a principal arterial. The Plan's general concept was to keep the existing residential area residential and to move towards commercial usage south on High Street. Rezoning this property to Conditional B-2 would not be in conflict with this general plan as Logan Lane provides a good border

for the division between commercial and residential zoning.

This property does have the encroachment problem and as that has been allowed to continue, staff has looked into the possibility that if something did happen to the existing building, would there would be enough land, given proper set backs, to allow for construction of a new building and parking. Staff feels that there is sufficient land to allow something such as a professional office to be rebuilt. She added that any business use of the site will require the provision of off street parking spaces and construction of a commercial, 30 foot wide, entrance. Ms. Turner said this rezoning is recommended for approval as requested.

Chairman Wassum asked if there was anyone that would like to speak for the request.

Mr. Dooley said that he was there to answer any questions.

Chairman Wassum asked if there was anyone that would like to speak against the request. There was no one. Chairman Wassum went back into general session and asked for questions or comments from the Commissioners.

Mr. Homan said that the point about the buffer between the M-1 was good and he saw no problem with the request. Mr. Homan moved to recommend approval to City Council. Dr. Beasley seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request of Fred Dooley is to rezone Lot 39, 860 South High Street, located on the south side of South High Street from R-2 "Residential District" to B-2 Conditional "General Business". Ms. Turner explained that this area contains a mixture of zoning classifications and uses. To the west is an M-1 "General Industrial" area and to the east, on the opposite side of Logan Lane and south, behind the Dooley property are large R-2 "Residential District" areas. On the opposite side of South High Street there is a B-2 "General Business" area and also R-2 areas. There are a mixture of industrial, commercial and residential uses in the surrounding area. She said Mr. Dooley has recently renovated the house on this property and currently uses it as a residential duplex and in April 1993, City Council granted permission for this structure to encroach on the public right-of-way so that Mr. Dooley could obtain building permits to undertake the renovation. She said Mr. Dooley is requesting that the property be rezoned to Conditional B-2 as he intends to use the house located on the property as a photography studio. Although the Comprehensive Plan recommends this area for neighborhood residential, the fact that the Plan is general in nature should be recognized. This property does have the encroachment problem and as that has been allowed to continue, the Planning Commission feels that there is sufficient land to allow something such as a professional office. Ms. Turner said this rezoning as requested is being recommended for approval. Vice-Mayor Dingleline offered a motion to set a public hearing to consider this rezoning request on

August 23, 1994. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on July 20, 1994.

"....Chairman Wassum read the request for a Public Hearing for Daniel R. Shenk, as contract purchaser of property owned by Lester and Anne Cabbage, to rezone Lot 4 and a portion of Lot 3, 1820 Country Club Road, located on the east side of Country Club Road from R-1 "Single Family Residential District" to R-3 Conditional "Multiple Dwelling District". Chairman Wassum went into Public Hearing and asked Ms. Turner to review the request.

Ms. Turner referred to a tax map and described the request and the surrounding properties. She explained that the request involved 3.044 acres located on the east side of Country Club Road. The area requested for rezoning, is Lot 4 and a portion of Lot 3 and has been combined into one lot by way of a Minor Subdivision. This Minor Subdivision has not been recorded yet as they are waiting for the approval of the rezoning.

The surrounding property in this area contains a mixture of zoning classifications. Adjacent to the north, along Country Club Road, is a large M-1 "General Industrial" area. This industrially zoned area contains a mixture of industrial and commercial uses. West, across Country Club Road, is a B-2 "General Business" area, a large portion of which fronts on Market Street. The majority of these uses are commercial, however there is also a mobile home park present. Adjacent to the south of the site, at the intersection of Country Club and Keezletown Roads is a site that was rezoned to conditional R-3 in March, 1993. To the east and also further south are large R-1 "Single Family Residential" areas containing the Spotswood Country Club and single family homes.

The Comprehensive Plan Land Use Guide recommends a "Planned Business" use for the general area at the corner of Country Club and Keezletown Roads and "Light Industrial" to the north. The "Planned Business" classification is described as areas which are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

Ms. Turner said that Mr. Shenk has offered a proffer with this rezoning and read the proffer.

1. The property shall not be used for any of the following uses which are otherwise permissible in the R-3 zone under the Harrisonburg Zoning Ordinance:
 - a. Multiple family buildings or townhouses.
 - b. College or university buildings and functions, including fraternities and sororities.
 - c. Hospitals, convalescent or nursing homes, or funeral homes.
 - d. Charitable or benevolent institutions.

Ms. Turner explained that this would leave single family, duplex, and professional office use. If it is rezoned, any commercial use of the property will trigger improvements that need to be done to the street frontage along Country Club Road as well as widening the entrance to commercial entrance standards.

She said that she had received one phone call from an adjoining property owner who was concerned about the possibility of multi-family development. Ms. Turner concluded by saying that the rezoning is recommended for approval as requested.

Chairman Wassum asked if anyone would like to speak for the request.

Roger Williams, representing Mr. Shenk, said that he felt that the uses that surround this property made this the ideal buffer for this particular lot. It is important to stress that this property is on Country Club Road. He said that because of the concern presented at Dr. McKearney's rezoning request they have meet with the Fairway Hills Home Owners Association and Carroll Biggs, president of that association, has confirmed that they favor this request. He explained that the exterior of the buildings will be essentially the same as they are now. The house will have six professional offices and the garage with the enclosed space will have three more offices.

Chairman Wassum asked if anyone would like to speak for the request. There was no one. Chairman Wassum asked if anyone would like to speak against the request. There was no one. Chairman Wassum brought the meeting back to general session and asked for question or comments from the Commissioners.

Mr. Stewart asked why single-family and duplexes weren't proffered out.

Mr. Williams said that the reason for these proffers in the form that they exist is basically because that was the end result of Dr. McKearney's rezoning process for the adjacent lot.

Mr. Stewart asked Ms. Turner if the Dr. McKearney proffers excluded single-family and duplexes?

Ms. Turner said that Dr. McKearney's proffers were actually these same proffers.

Mr. Williams said that a point of clarification is that the phrase medical and professional office still appears and the intent is that they both stay in, not just professional offices.

Mr. Neff said that he feels comfortable with the request as it does fall within the Comprehensive Land Use Plan for Planned Business for that area. Mr. Neff moved for approval of recommendation to City Council. Ms. Whitten seconded. All voted aye...."

Respectfully submitted,

Stacy Turner, Planning Director

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request of Daniel Shenk, contract purchaser, to rezone Lot 4 and a portion of Lot 3, 1820 Country Club Road, located on the east side of Country Club Road from R-1 "Single Family Residential District" to R-3 Conditional "Multiple Dwelling District". She said the request involves 3.044 acres located on the east side of Country Club Road. The area requested for rezoning is Lot 4 and a portion of Lot 3 and has been combined into one lot by way of a Minor Subdivision. This Minor Subdivision has not been recorded yet as they are waiting for the approval of the rezoning. The surrounding property in this area contains a mixture of zoning classifications including M-1 "General Industrial" area, B-2 "General Business" area, and R-1 "Single Family Residential" areas containing the Spotswood Country Club and single family homes. She said the Planning Commission is recommending that this property be rezoned as requested as it meets the intent of the Comprehensive Land Use Plan. Council Member Weaver offered a motion to set a public hearing to consider this rezoning request on August 23, 1994. The motion was seconded by

Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on July 20, 1994.

"...Chairman Wassum read the request for Final Plat approval, Revision of Deyerle Subdivision, Section 40, Phase II, located at the southwest corner of the intersection of Reservoir Street and University Boulevard. Chairman Wassum asked Ms. Turner to review the request.

Ms. Turner explained that this was a request to take 11 existing lots in Deyerle Subdivision, Section 40, Phase II, and combine them to form one new parcel of 13.534 acres, Lot 26. This would also include the request to vacate Warwick Drive and include it in the area of Lot 26. She explained that the City right-of-way was dedicated when the subdivision was originally approved but the street has not been accepted into the City system yet.

There are a couple of ways to vacate a street. One is to request the closing of a street by City Council. This would require a Public Hearing and a Board of Viewers appointed at the City Council level. Another way allowed by the State Code is to have all surrounding property owners sign a consent statement. State Code then allows it to be closed without a Public Hearing before a governing body. This is how Mr. Bill Neff is requesting to do it here. Ms. Turner explained that Mr. Neff has submitted all signatures of surrounding property owners. City Council can now approve this request without having to go through the Public Hearing process.

The property is zoned B-2 and the lot would meet subdivision and zoning ordinances. The only utility that staff is asking to reserve is the water line shown on note #7. "As a temporary 20' prescriptive water line easement." Ms. Turner said there are no objections to this request and it is recommended for approval as presented.

Chairman Wassum asked for questions or comments from the Commissioners.

Mr. Stewart said that he assumes that if this had been the original request instead of being the revision of the current subdivision, recommendation from staff would have been the same. It meets all of the zoning and subdivision requirements.

Ms. Turner answered, "Yes". In fact, with the original plat there were some concerns that there were so many lots that fronted on Reservoir Street and University Boulevard. There was concern that each of those lots would have a couple of entrances which would bring a lot of traffic entering and exiting from Reservoir Street. This redivision will place less entrances on Reservoir Street. Mr. Neff has indicated that they would have one on Reservoir Street for this plan of development.

Chairman Wassum asked if there would be any new entrances on University Boulevard. Mr. Neff answered, "No new ones".

Mr. Neff presented a plat of the proposal showing the entrances for the property. He said there would be one entrance on University and a double entrance on Reservoir Street.

Chairman Wassum asked what the volume of traffic generated would be. Would it generate more traffic than the original subdivision.

Mr. Neff said, "It would generate more traffic".

Chairman Wassum asked if there were plans to close University

Boulevard and if it were closed would you still access your property on it.

Mr. Neff said, "Yes". He added that there is good flow around the building and it's not close to the University property. He said that it would employ 250 people and would generate tax revenue.

Mr. Stewart added that this was something that the Assistant City Manager and he had been working on with Mr. Neff for a couple of months. He said that from staff's standpoint, we think this would be a very nice addition to the City and would mean additional sales tax revenue and jobs.

Chairman Wassum said that at the time of the original rezoning of this to make it business, we had indication that it would be professional buildings or businesses that would lead to C-SAT. Does this wipe this all out now?

Mr. Neff said, "No not really, because of interest in other properties in that area.?????"

Mr. Stewart said that there are also B-2 properties in the Forbes Park.

Ms. Whitten said that her real concern was the traffic problems on University and Reservoir.

Mr. Homan moved to approve. Mr. John Neff seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

✓
Planning Director Turner called Council's attention to a large scale map of the area and explained that this is a request for final subdivision plat approval of a revision of Deyerle Subdivision, Section 40, Phase II, located at the southwest corner of the intersection of Reservoir Street and University Boulevard. Ms. Turner explained that this was a request to take 11 existing lots in Deyerle Subdivision, Section 40, Phase II, and combine them to form one new parcel of 13.534 acres, Lot 26. This would also include the request to vacate Warwick Drive and include it in the area of Lot 26. She said that the City right-of-way was dedicated when the subdivision was originally approved but the street has not been accepted into the City system yet. Ms. Turner said one of ways to vacate a street includes that all surrounding property owners sign a consent statement and then the State Code would allow it to be closed without a Public Hearing before a governing body. Mr. Bill Neff has requested this procedure and has submitted all signatures of surrounding property owners. The property is zoned B-2 and the lot would meet subdivision and zoning ordinances. She said there would be one entrance on University Boulevard and a double entrance on Reservoir Street. Ms. Turner said the Planning Commission is recommending approval of this final subdivision plat revision request. Council Member Weaver offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council. Council Member Weaver stated that a business should also

have to hire the Board of Viewers at \$50.00 per person since private citizens have to pay this fee to close alleys and streets. She said it is highly unfair for businesses to get by with this practice, and then to require that private citizens trying to close alleys having to pay this fee to the Board of Viewers at \$50.00 per person.

✓ Council received the following extract from the Planning Commission meeting held on July 20, 1994.

"...Chairman Wassum read the request for Final Plat approval, Blue Stone Hills Subdivision, Section 3E, Lot 1 and asked Ms. Turner to review the request.

Ms. Turner referred to a tax map and explained that this was a request to subdivide Lot 1, located at Blue Stone Hills, containing approximately 39,675 square feet. The request is to subdivide into six townhouse lot which range in size from 5,422 to 8,893 square feet. This property is zoned R-3 "Multiple Dwelling District" and the proposed lots meet all zoning district requirements. She added that in the staff report she had mentioned that a name change was needed and it has now been renamed Emerald Drive Estates II. All public facilities are in place and the subdivision is recommended for approval.

Chairman Wassum asked about access into Lot 1A.

Mr. John Newton said that there are six townhouses with three separate driveways. Each driveway serves two townhouses.

Discussion included questions about lot size requirement. Ms. Turner and Mr. Cook explained that the R-3 minimum townhouse lot size is 2,000 square feet and that these lot areas are in excess of that minimum requirement.

Mr. Homan moved to approve. Mr. Neff seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner called Council's attention to a large scale map of the area and explained that this is a request for final subdivision plat approval of Emerald Drive Estates II. Ms. Turner explained that this was a request to subdivide Lot 1, located at Blue Stone Hills, containing approximately 39,675 square feet. The request is to subdivide into six townhouse lots which range in size from 5,422 to 8,893 square feet. This property is zoned R-3 "Multiple Dwelling District" and the proposed lots meet all zoning district requirements. She said the Planning Commission is recommending approval of this request. Vice-Mayor Dingleline offered to approve this request as presented. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on July 20, 1994.

"...Chairman Wassum read the request to consider the sale of 2 parcels of land, 2.26 acres and 34.36 acres, owned by the City, located on

Peach Grove Avenue; the 2.26 acre parcel beside Stone Spring Elementary School and the 34.36 acre parcel across the street from Stone Spring Elementary School.

Mr. Stewart said that Planning Commission might recall that a year ago City Council adopted a number of Cost Containment Goals and one of those goals included disposing of this excess property in order to do such things as contribute towards reduction of our debt service. City Council has asked that the City proceed with disposing of this property by taking sealed bids. He went on to explain that this is a request to Planning Commission to approve proceeding with the sale of this property and the way it is to be advertised. He explained that the bids can be taken separately or collectively on the two parcels and Council will retain the right to accept or reject any bids.

Mr. Homan moved for approval. Ms. Whitten seconded. All voted aye..."

Respectfully submitted,

Stacy Turner
Planning Director

✓ Planning Director Turner called Council's attention to a large scale map of the area and explained that this is a recommendation from the Planning Commission to sell two parcels of land owned by the City, 2.26 and 34.36 acres located on Peach Grove Avenue; the 2.26 acre parcel located beside Stone Spring Elementary School and the 34.36 acre parcel located across the street from Stone Spring Elementary School. City Manager Stewart explained that the procedure followed in the past for selling real estate was if Council so chooses to authorize the City Manager and City Attorney to advertise the parcels of property. He said the City would accept sealed bids and the bids can be taken separately or collectively on the two parcels. The bids would be presented to Council with the understanding that Council will retain the right to accept or reject any bids and that a Public Hearing would be held before final approval. Council Member Lantz offered a motion to authorize the City Manager and City Attorney to proceed with the sale of these two parcels. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on July 20, 1994.

"...Chairman Wassum read the request for approval of the Harrisonburg Area Transportation Study and asked Ms. Turner to review the request.

Ms. Turner presented the Minutes from the Joint Public Hearing and said that at the hearing there was no public input. After the Public Hearing, City Council looked at the alignment for the Erickson Avenue extension, and the route recommended by the committee. Council adopted this route to include into the Major Street Plan. At that meeting Mr. Dan Brubaker spoke in opposition to the route. There were no other speakers at that meeting. Ms. Turner explained that Mr. Wassum had asked whether adjoining property owners along this route had been contacted. The committee appointed by City Council did contact all property owners and those owners attended one of the committee meetings. At that meeting the map was explained to them.

Mr. Homan asked if staff felt that this was the most economical route.

Ms. Turner said that staff was not asked to address the economic impact of this road.

Mr. Stewart said "No, we were not asked specifically, but compared to the original route, this route would be much more expensive" due to going over the floodplain. Mr. Stewart explained that this route has been discussed with the Virginia Department of Transportation and their position is that it is within the corridor that was originally looked at to meet the needs of that connection.

Chairman Wassum said that since Planning Commission has twice approved a more direct route through there, does this mean that if we accept the HATS Study, we accept the new route for Erickson Avenue?

Mr. Stewart said that the HATS Study is not the same alignment.

Ms. Turner said that if you look at the second page of the HATS Study, showing only the City, it shows that route H, is not the route that was approved by City Council.

Mr. Stewart explained that this was because the Public Hearing was held before Council had received the report of the committee.

Mr. Neff stated that Planning Commission was being asked to consider the amended route and approval of the HATS study with the amended route.

Mr. Neff spoke about the committee's work and the number of alternatives reviewed by that committee and that these would probably be reviewed again before the road is constructed. Mr. Stewart added that although the Erickson Avenue extension has received considerable attention, that in the scheme of things, considering the entire study, it is a relatively low priority. It is not likely to get much attention in the foreseeable future. Mr. Neff concurred.

Mr. Neff made a motion that the HATS study be approved, with the revised layout for Erickson Avenue extended. Dr. Beasley seconded the motion. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

✓ Planning Director Turner explained that the Planning Commission recommends approval of the Harrisonburg Area Transportation Study, with the route for Erickson Avenue extended that was approved by City Council on June 28, 1994. This plan was reviewed at the Planning Commission meeting held on July 20, 1994 and recommended adoption of the Harrisonburg Area Transportation Study with the route for Erickson Avenue extended to be amended to show the route which City Council approved on June 28, 1994. Council Member Weaver offered a motion to approve Planning Commission's recommendation of the Harrisonburg Area Transportation Study as amended with Erickson Avenue extended. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on July 20, 1994.

"...Chairman Wassum read the request for Final Plat approval, Knupp Addition - Section 1, Suter Street Extended, and asked Ms. Turner to review the request.

Ms. Turner referred to a tax map and described the request and its location. She said that the request is Lot 41, located at the end of Suter Street. There is a Preliminary Plat of this Subdivision which shows Sections 1 and 2. The entire Preliminary Subdivision was approved in February 1992 and in February of 1993 Mr. Lacey requested an extension. That extension ended in 1994. If this subdivision is approved, also included in the approval would be an extension of the Preliminary Plat to allow approval of the Final Plat.

She said that the original request was for 16 lots. Ms Turner presented a revised plat and said that they have now taken Lot 1A and Lot 2A and combined it to make it only one lot, Lot 1. Ms. Turner said that the intended property development was for duplexes and that would be divided and conveyed separately, like a townhouse. Instead of having more than two attached units, there would only be two. There has been some concern about this because the City's R-2 does not specifically address the division of townhouse lots. It does refer back to an article in the Zoning Ordinance however, which discusses townhouse development in the R-2, R-3 and R-4 classification. The interpretation is that it was intended that duplexes can be subdivided. Mr. Cook has informed me that for some years, Harrisonburg has allowed duplex lots to be subdivided and the lots conveyed separately. However the interpretation was that each lot needed to have the 5,500 square feet, half of the 11,000 square foot total lot requirement. The first plat did not have lots that were equal to 5,500 square feet each and a revised plat has been submitted. In order to get their lot sizes to equal 5,500 square feet they have skewed their lot lines once they got past where their building would be. This can be seen between lots 2A and 2B, 3A and 3B, and between 4A and 4B in Block C. She explained that in most cases it is minor but between Lots 4A and 4B it is severe and staff would like to point out that if variances are later requested for these lots, they would not be supported because staff feels this is a self imposed hardship.

Discussion included setback regulations for front and rear setbacks and Mr. Lacey explained that the project was originally planned as a moderately priced duplex townhouse complex.

Ms Turner explained that the utilities have been developed for this subdivision.

Mr. Neff moved to approve. Ms. Whitten seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner called Council's attention to a large scale map of the area and explained that this is a request for final subdivision plat approval of Knupp Addition, Section 1, Suter Street extended. Ms. Turner said that the request is Lot 41, located at the end of Suter Street. Planning Commission reviewed and approved a preliminary plat in February, 1992 of this Subdivision which shows Sections 1 and 2, and also gave an extension on the approval in February of 1993. She said this request is to subdivide the first phase of this project into 15 lots with 14 of these lots being single lots for duplexes. Ms. Turner said that the intended property development was for duplexes

and that would be divided and conveyed separately, like a townhouse. Planning Commission had some concern because the City's R-2 does not specifically address the division of duplex lots. She said it was discussed with the developer that the current zoning regulations in the R-2 zoning district in which this property is classified states that a duplex lot must have a 11,000 minimum lot area. She said it had been interpreted in the past that these lots could be split and that each lot have the 5,500 square feet, half of the 11,000 square foot total lot requirement. She said Planning Commission recommends approval of this request. Council Member Weaver offered a motion to approve this request as presented. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request for reserves for encumbrances for some outstanding contracts and purchase orders that were committed prior to June 30, 1994. Council Member Weaver offered a motion for the appropriation with recommendations to be approved for a second reading, and that:

\$169,453.55	chge to:	1000-22050	Reserve for Encumbrances
7,443.50	chge to:	2011-22050	Reserve for Encumbrances
22,200.00	chge to:	2012-22050	Reserve for Encumbrances
93,665.00	chge to:	2013-22050	Reserve for Encumbrances
<u>13,307.00</u>	chge to:	2112-22050	Reserve for Encumbrances
306,069.45	Total		

\$169,453.55	approp. to:	1000-110111-121511-122011-122211
		320132-350532-410121-410241-410741-420241-
		420641-430221-710171-710471-810121
		General Fund
7,443.90	approp. to:	2011-372061-48181
22,200.00	approp. to:	2012-472061-48291
		2012-472061-43140
		Water Fund
		Sewer Fund
93,665.00	approp. to:	2013-872081-48253
<u>13,307.00</u>	approp. to:	2112-772141-48111
		Central Stores
		Operating Fund
306,069.45	Total	

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

Council Member Weaver presented a letter from Helene W. Pettus related to zoning in the subdivision rewrite. The letter will be sent to Planning Director Turner for a response. Council Member Weaver explained she had received a suggestion from a citizen concerning the proposed consolidation within the U.S. Forestry Service that will cause a number of local jobs to be relocated to Roanoke. It was suggested sending a letter to the Forest Service expressing the concern of Council.

City Manager Stewart explained that during the month of August Council Chambers will be remodeled. Council Member Rogers offered

a motion to move the August 9, and August 23, meetings to Thomas Harrison Middle School. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 9:20 p.m. Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to City positions and offices on the Blue Ridge Disability Services Board, Harrisonburg Transportation Safety Commission and appointments of Council Members to the following: City/County Liaison Committee, Jail Advisory Committee, Greener Harrisonburg Liaison, Visitors and Convention Bureau Liaison, Valley Program for Aging Services, Recreation Commission, School Liaison and LINK Committee exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (3) of the Code of Virginia; and consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved in a unanimous recorded vote of Council.

At 10:12 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

✓ Council Member Weaver offered a motion that William E. Blessing, 1120 Meadowlark Drive, be appointed to fill the term of Jean Tamkin who has resigned from the Harrisonburg Transportation Safety Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Vice-Mayor Dingledine offered a motion that Mr. Ben Melton, 241 Paul Street, be appointed to fill the unexpired term of Diane Foucar-Szocki who has resigned from the Blue Ridge Disability Services Board because of being appointed to the Harrisonburg School Board. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

F Council Member Lantz offered a motion that Vice-Mayor Emily Dingledine, 320 West View Street, be appointed to the Greener Harrisonburg Liaison. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Vice-Mayor Dingledine offered a motion that Council Member Larry Rogers and Council Member Agnes Massie Weaver be appointed to the Jail Advisory Committee. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion that Council Member Larry Rogers, 127 New York Avenue, be appointed to the Visitors and Convention Bureau Liaison. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Council Member Rogers offered a motion that Vice-Mayor Emily Dingledine, 320 West View Street, be appointed to the Parks and Recreation Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion that Mayor John Neff and Council Member Hugh Lantz be appointed to the City/County Liaison Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion that Mayor John Neff be appointed to the School Liaison Committee. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

✓ Council Member Lantz offered a motion that Vice-Mayor Emily Dingledine be appointed to the Link Committee. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 10:16 p.m, there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

AUGUST 9, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingledine; Council Members Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Council Member Hugh J. Lantz.

Vice-Mayor Dingledine delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Vice-Mayor Dingledine offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

✓ Director of Public Works Baker presented an updated report on improving residential refuse collection service. Mr. Baker explained that several proposals are being presented as alternatives for residents to dispose of the refuse. He said the grass pick-up schedule should remain on Wednesday. Mr. Baker explained the department has proposed several options to provide assistance for residential households who may have unusual situations or exceed the 5-unit limit for a special reason. These options include the purchase of stickers at the rate of \$1.00 per unit, arranging special collections by calling the Public Works Office, and increasing the maximum limit from 5-units to 8-units for residential collection. A second option would be that residences may arrange for special collections and the extra refuse would be collected at \$1.00 per bag, but does not require the use of stickers. The monthly trash bills of customers would be adjusted to account for the extra trash picked up. A third option would allow residents to arrange for special collections by calling the Public Works Department and extra refuse would be collected at no charge. Mr. Baker said the fourth option would increase the residential limit from 5-units to 8-units. He reviewed advantages and disadvantages of each option. City Manager Stewart stated that charging a fee for anything over the 5-units limit would hopefully encourage citizens to stay within the 5-units. He said if there is no additional charge there is no incentive to keep it at 5-units and no encouragement to increase the recycling program. The primary reason for the cost containment effort was to avoid having to increase rates this year and still provide a basic level of service. Mayor Neff said he was not ready to vote on any of the four options presented concerning occasions when residents have more than 5-units of trash. He said the citizens need to understand that the City is struggling with this change and are trying to work out things to accommodate the citizens as much as possible in a way not to create an inconvenience on anyone.

Following further discussion, Council Member Weaver offered a motion to table the limit of five-units until more information on comparisons to comparable cities can be reported at the next meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present. Mr. Baker stated that an amendment is being recommended to charge \$65.00 per hour plus tipping fees for violators who force the City to haul away trash that is not in compliance with the ordinances. Mr. Baker said it has been suggested that citizens be given three months from the date of written notification to comply with regulations and stop using the oversize containers. The 75 pound 35 gallon container is the size that one employee can reasonably expect to handle. Vice-Mayor Dingledine offered a motion to accept the recommendation of the Public Works Department to give residents three-months from date of written notification before enforcing compliance of the maximum 35 gallon container size. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present. Council Member Weaver offered a motion to charge the customer \$65.00 per hour plus tipping fees if compliance is not made by the third day after written notice from the Sanitation Department, pick-up will be automatic and owners will be billed for the removal and to charge the same \$65.00 per hour and tipping fee to pick-up large amounts of trash for special occasions. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

Jerry Bennett, of Ashby Heights, stated that it is unfair to limit the amount of trash residential customers can set out. He said it is unnecessary to charge residents \$1.00 for each bag beyond the present limit of five-units. He said there are times when a resident will have more than the 5 bags and it is outrageous to charge a dollar per bag to put out more trash. He said citizens are paying taxes to the City for this service. Another citizen who did not state her name said "I think that if you allow people to put out any quantity of trash they want to it will not encourage people to recycle."

City Manager Stewart presented a number of capital projects items which were budgeted in the various operating funds for 1994-95 budget. Council approved a change in the City Code that allows for capital project funds for funds that were estimated to cost in excess of \$200,000 and would extend over two or more fiscal years. Vice-Mayor Dingledine offered a motion to approve this reallocation, and that:

\$250,000 chge. to: 1000-410241-43372 Maintenance and Repairs -
Bridges

\$838,000 chge. to: 1000-410241-48292 Work in Progress - 1

\$150,000 chge. to: 1000-410241-48293 Work in Progress - 2

\$1,238,000 approp. to: 1000-990111-49216 Transfers to
Capital Projects

\$1,238,000 chge. to: 1310-34210 Transferred from General
Fund

\$838,000 approp. to: 1310-910141-48602 Garbers Church Road
Right-of-Way

\$400,000 approp. to: 1310-910141-48603 Washington Street -
Bridge and Street

\$35,000 chge. to: 2011-372061-48189 24" Raw Water Line

\$31,500 chge. to: 2011-372061-48291 Engineering/Mapping

\$440,000 chge. to: 2011-372061-48294 WIP-Annexed area - 1

\$400,000 chge. to: 2011-372061-48295 WIP-Annexed area - 2

\$906,500 approp. to: 2011-392061-49216 Transfers to Capital
Projects

\$906,500 chge. to: 34220-1321 Transfer from Water Fund

\$25,000 approp. to: 1321-910161-48621 West Raw Water Line

\$35,000 approp. to: 1321-910161-48622 Garbers Church Road &
Silver Lake Pump Station

\$360,000 approp. to: 1321-910161-48624 Garbers Church Road
Water Line

\$486,500 approp. to: JMU Water Tank, etc.

\$170,000 chge. to: 2012-472061-48118 Mains and Appurtenances

\$22,000 chge. to: 2012-472061-48291 Engineering/Mapping

\$348,000 chge. to: 2012-472061-48294 WIP-Annexed Area - 1

\$540,000 approp. to: 2012-492061-49216 Transfers to Capital
Projects

\$540,000 chge. to: 1322-34230 Transferred from Sewer Fund

\$192,000 approp. to: 1322-911161-48641 Blacks Run Interceptor

\$348,000 approp. to: 1322-911161-48644 Garbers Church Road
Sanitary Sewer

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

City Manager Stewart presented a request from Director of Public Utilities Collins for approval of a supplemental appropriation in the amount of \$300,000 to appropriate from Water Fund Reserve for Capital Projects to Water Fund Capital Projects Fund. Council Member Rogers offered a motion for the appropriation to be approved for a first reading, and that:

\$300,000 chge. to: 2011-31010 Amount from Fund Balance

\$300,000 approp. to: 2011-392061-49216 Transfers to Capital
Projects

Transferred from Water Fund (Reserve for Capital Projects) to Water Fund Capital Projects Fund.

\$300,000 chge. to: 1321-34220 Transfer from Water Fund

\$300,000 approp. to: 1321-910161-48621 West Raw Water Line

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

City Manager Stewart presented a request that would authorize the Treasurer to advertise delinquent real estate taxes for 1992 and 1993 short year. Council Member Weaver offered a motion to authorize the City Treasurer to advertise delinquent real estate taxes. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

Vice-Mayor Dingledine stated that she had received a telephone call from a citizen concerning whether the firemen had to sound the fire truck sirens so long. City Manager Stewart explained that there is a standard protocol and operating procedure. He said some drivers may have a lighter touch on the siren, but they are operated according to safety purposes trying to protect the public.

City Manager Stewart explained that Council had discussed the possibility of having an informal dinner meeting with the School Board. It was decided the preferred date would be Monday, August 22, with the alternate date of Thursday, September 15, to have dinner with the Harrisonburg School Board. Mr. Stewart announced that on Tuesday, November 1, there will be a Town Meeting at the Simms School Gymnasium. City Manager Stewart stated a meeting has been scheduled for the Economic Development Planning Work Session on Thursday, October 27, at 7:00 p.m. Mr. Stewart stated he had received a letter from School Board Superintendent Hiner about the possibility of the School Board holding meetings in Council Chambers. Council was in agreement to holding the School Board meetings in Council Chambers.

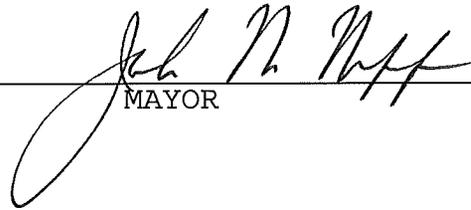
At 8:45 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Valley Program for Aging Services and the evaluation of a city department, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (3) of the Code of Virginia; and consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. The motion was seconded by Vice-Mayor Dingledine, and approved in a unanimous recorded vote of Council.

At 10:10 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

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


CLERK


MAYOR

REGULAR MEETING

AUGUST 23, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingledine; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Police Captain Wilfong. Absent: Chief of Police Donald Harper.

Council Member Lantz delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Vice-Mayor Dingledine offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

At 7:33 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News Record on Tuesday, August 16, and Tuesday, August 23, 1994.

The Harrisonburg City Council will hold a public hearing on Tuesday, August 23, 1994, 7:30 P.M., at Thomas Harrison Middle School, 1311 West Market Street, Harrisonburg, Virginia, to consider two (2) applications, the first to vacate an undeveloped portion of Monroe Street and the second to vacate a portion of a ten (10) foot alley behind 488 South Mason Street, in the City of Harrisonburg:

(1) A request of the Salvation Army to vacate a portion of Monroe Street and an adjacent triangle of land owned by the City, consisting of approximately 15,000 square feet, that is located between Ashby Avenue, Jefferson Street and Monroe Street, in the City of Harrisonburg; and

A copy of the recommendations of the City Planning Commission along with copies of the plats showing the portion of the street and 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.

Steven E. Stewart, City Manager

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request of the Salvation Army is to close a portion of Monroe Street, between

Jefferson Street and Ashby Avenue, including a triangle of land owned by the City and located between Ashby Avenue, Jefferson Street and Monroe Street. Ms. Turner explained that this was a request to vacate a portion of Monroe Street, approximately 230 feet in length, located between Jefferson Street and Ashby Avenue. It is also requested that an adjacent triangle of land owned by the City and approximately 3,750 square feet in area also be conveyed to the Salvation Army. This area is leased by the City to the Salvation Army and has been used for green space and parking for years. Ms. Turner explained that the Salvation Army is planning improvements to its emergency shelter at 217 Monroe Street and plans to utilize this area as yard and parking space. She said the Planning Commission has requested that if this request is granted, Ashby Avenue be left open for possible street connection to Liberty Street. There are City utilities located in this right-of-way. A 25 foot wide sewer easement will need to be maintained, as well as a 15 foot wide electric easement centered on an overhead power line on the north side of the right-of-way. Provided that these easements are retained and that it is recognized that Ashby Avenue should be reserved for future street development, the Planning Commission recommends approval of this request. Mayor Neff called on anyone present desiring to speak either for or against this request to vacate a portion of Monroe Street and adjacent triangle of land owned by the City.

Bob Sullivan, representing the Salvation Army's Advisory Board, expressed his thanks to Planning Director Turner and the Planning Commission for their review and recommendation. He said the Salvation Army is planning improvements to its emergency shelter and this piece of triangle land has been maintained by the Salvation Army for years. The Salvation Army recognizes that Ashby Avenue should be reserved for future street development. There being no others present desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Mayor Neff explained that after Council receives the report from the Board of Viewers this request from the Salvation Army will be considered at a later Council meeting.

At 7:41 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News Record on Tuesday, August 16, and Tuesday, August 23, 1994.

The Harrisonburg City Council will hold a public hearing on Tuesday, August 23, 1994, 7:30 P.M., at Thomas Harrison Middle School, 1311 West Market Street, Harrisonburg, Virginia, to consider two (2) applications, the first to vacate an undeveloped portion of Monroe Street and the second to vacate a portion of a ten (10) foot alley behind 488 South Mason Street, in the City of Harrisonburg:

(2) A request of Patrick and Kelly Sweet to vacate a portion of a ten (ten) foot alley, consisting of approximately 580 square feet, that is located along the rear property line of their lot at 488 South Mason Street, in the City of Harrisonburg.

A copy of the recommendations of the City Planning Commission along with copies of the plats showing the portion of the street and 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.

Steven E. Stewart, City Manager

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request was from Mr. and Mrs. Patrick Sweet to close and vacate a portion of the alley that runs behind their lot, Lot 29, located at 488 South Mason Street. The alley involved runs from Paul Street north, approximately 340 feet, to another alley which accesses Mason Street. Ms. Turner said the Sweets are requesting to close an approximately 58 foot long portion of the 10 foot wide alley. The alley is unsafe and is almost closed to vehicular traffic due to tree and plant growth. Ms. Turner said that the Planning Commission has received signatures from all surrounding property owners indicating their support. There are no utilities in the alley and it is not needed for service delivery. She said that the Planning Commission has recommended that the request be approved. Mayor Neff called on anyone present desiring to speak either for or against this alley closing request.

Patrick Sweet questioned whether the Board of Viewers could be bypassed since he had presented a petition from the surrounding property owners. There being no others present desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve this alley closing request without using the Board of Viewers. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. City Attorney Thumma stated once the Board of Viewers had been appointed their fee will have to be paid and this meeting can be considered as approval of the first reading.

At 7:46 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News Record on Friday, August 5, and Friday, August 12, 1994.

The Harrisonburg City Council will hold a public hearing on Tuesday, August 23, 1994, 7:30 P.M. at Thomas Harrison Middle School, 1311 West Market Street, Harrisonburg, Virginia, to consider two (2) requests to amend the City of Harrisonburg Zoning Ordinance.

1. To consider the following rezoning request:

Daniel R. Shenk's request to rezone Lot 4 and a portion of Lot 3, located on the east side of Country Club Road, from R-01 "Single Family Residential District" to R-3 Conditional "Multiple Dwelling

District". The R-3 district is intended for medium to high density residential development and other uses intended to respect the residential character which are aesthetically compatible within the district by means of architectural expression, landscaping and restrained traffic flow. The Comprehensive Plan recommendation for this property is "Planned Business". The "Planned Business" land use category is described as areas which are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. The property is located at 1820 Country Club Road and is shown as Lot 4 and a portion of Lot 3, Block B, Sheet 72 on the Harrisonburg Block Maps.

Maps and other information are available for 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.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Planning Director at least five (5) days prior to the time of the hearing.

Steven E. Stewart, City Manager

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request was from Daniel Shenk, contract purchaser, to rezone Lot 4 and a portion of Lot 3, 1820 Country Club Road, located on the east side of Country Club Road from R-1 "Single Family Residential District" to R-3 Conditional "Multiple Dwelling District". She said the request involves 3.044 acres located on the east side of Country Club Road. The area requested for rezoning is Lot 4 and a portion of Lot 3 and has been combined into one lot by way of a Minor Subdivision. This Minor Subdivision has not been recorded yet as they are waiting for the approval of the rezoning. The surrounding property in this area contains a mixture of zoning classifications including M-1 "General Industrial" area, B-2 "General Business" area, and R-1 "Single Family Residential" areas containing the Spotswood Country Club and single family homes. She said the Planning Commission held a public hearing on July 20, 1994 and that Mr. Shenk has offered a proffer with this rezoning. The proffers are that the property shall not be used for any of the following uses which are otherwise permissible in the R-3 zone under the Harrisonburg Zoning Ordinance:

- a. Multiple family buildings or townhouses.
- b. College or university buildings and functions, including fraternities and sororities.
- c. Hospitals, convalescent or nursing homes, or funeral homes.
- d. Charitable or benevolent institutions.

Ms. Turner explained that this would leave single family, duplex, and professional office use. Ms. Turner said the Planning Commission is recommending that this property be rezoned as requested as it meets the intent of the Comprehensive Land Use Plan. Mayor Neff called on anyone present desiring to speak either

for or against this rezoning request.

Roger Williams, an Attorney for Mr. Shenk, said that the rezoning makes good land use planning with the existing development along Country Club Road. Mr. Williams presented a letter from the property owners of the Fairway Hills Association which stated that the association supports the rezoning request. There being no others present desiring to be heard, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened. Council Member Weaver offered a motion that the recommendation of the Planning Commission to approve this rezoning request be approved. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 7:56 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News Record on Friday, August 5, and Friday, August 12, 1994.

The Harrisonburg City Council will hold a public hearing on Tuesday, August 23, 1994, 7:30 P.M. at Thomas Harrison Middle School, 1311 West Market Street, Harrisonburg, Virginia, to consider two (2) requests to amend the City of Harrisonburg Zoning Ordinance.

2. To consider the following rezoning request:

Fred N. Dooley's request to rezone Lot 39, located on the south side of South High Street, from R-2 "Residential District" to B-2 Conditional "General Business". The B-2 district is intended for a wide variety of retail shopping, commercial, automotive and miscellaneous recreational and service activities, and generally located on major thoroughfares or near development centers where such activities already exists. The Comprehensive Plan recommendation for this property is "neighborhood Residential". Property to the west (adjacent on High Street) and north (across High Street) is recommended for "Commercial Use". The property is located at 860 South High Street and is shown as Lot 39, Block AA, Sheet 18 on the Harrisonburg Block Maps.

Maps and other information are available for 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.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Planning Director at least five (5) days prior to the time of the hearing.

Steven E. Stewart, City Manager

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request was from Fred Dooley to rezone Lot 39, located on the south side of South High Street from R-2, "Residential District" to B-2 Conditional "General

Business." Ms. Turner explained that this area contains a mixture of zoning classifications and uses. To the west is an M-1 "General Industrial" area and to the east, on the opposite side of Logan Lane and south, behind the Dooley property are large R-2 "Residential District" areas. On the opposite side of South High Street there is a B-2 "General Business" area and also R-2 areas. There are a mixture of industrial, commercial and residential uses in the surrounding area. She said Mr. Dooley has recently renovated the house on this property and currently uses it as a residential duplex and in April 1993, City Council granted permission for this structure to encroach on the public right-of-way so that Mr. Dooley could obtain building permits to undertake the renovation. She said Mr. Dooley is requesting that the property be rezoned to Conditional B-2 as he intends to use the house located on the property as a photography studio. Although the Comprehensive Plan recommends this area for neighborhood residential, the fact that the Plan is general in nature should be recognized. This property does have the encroachment problem and as that has been allowed to continue, the Planning Commission feels that there is sufficient land to allow something such as a professional office. Ms. Turner said this rezoning as requested is being recommended for approval. Mayor Neff called on anyone present desiring to speak either for or against this rezoning request. There being no one present desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve the Planning Commission recommendation as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council Member Rogers presented an updated progress report to Council on Harrisonburg Family Day. He said the advertising campaign for the picnic will began on September 2. The printing of the tickets has been donated and several businesses have donated 4,000 hotdogs and buns. Mr. Rogers thanked the City Manager's staff for their support and for the mailing of letters to non-profit organizations inviting them to participate in the Harrisonburg Family Day. He asked Mayor Neff to provide the welcome at the picnic.

Director of Public Works Baker presented a survey report comparing operating on refuse collection of other cities to Harrisonburg. The survey was mailed to Winchester, Charlottesville, Staunton, Blacksburg and Waynesboro. He said a lot of the cities do not provide the special pick-up on Wednesdays that is offered in Harrisonburg. Most of the cities provide this service only in the Spring and Fall. The result of the summary is that the other cities are more restrictive than Harrisonburg. He said the number of calls the City is getting regarding trash has subsided greatly during the past two weeks. Mr. Baker said the recommendation of the Public Works Department is not to change the current policy until they see how the system works over the next month, as students return to James Madison University and Eastern Mennonite University. Jerry Bennett, a resident in Ashby Heights, presented

a petition of 94 City residents who would like the City to increase the amount of trash residential customers can set out for pick-up. John Odett, a student at JMU, stated he lives in a house on South Main Street with seven other students. He said his apartment complex generates more than five units of trash per week, and last week they had to take their own trash to the landfill and pay \$11.00 for this service. Council Member Weaver explained to Mr. Odett since the apartment complex he lives in was considered two different apartments that they could set out ten units of trash. Maureen Shannon stated that if the City could ensure residents that with a larger bag limit there will be no increase in rates then she does not have a problem with increasing the units. She said the City should not increase the limit to eight bags and charge extra dollars to find a solution to this problem. Council decided to monitor the current policy over the next month, as students return to JMU and Eastern Mennonite University. Mr. Baker will present another report at the September 27th meeting.

City Attorney Thumma explained it had been requested that he review the notices advertising the sale of the taxi service published in the newspapers. He said that he noticed in the Daily News Record advertisement that there was not a due date for bids to be presented. All of the other advertisements contained the due date or cut-off date for bids. Mr. Thumma said that he suggested to City Manager Stewart that all proposals be rejected and readvertise the taxi service. He presented a new advertisement with a cut-off date. This advertisement states that bids filed with the City Manager will be opened on September 27, 1994 and presented to the City Council at its regular meeting held on September 27, 1994. Mayor Neff noted that Council has not reviewed or seen the current proposals. Council Member Lantz offered a motion that all previous proposals be rejected and readvertise the sale of the taxi service. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on August 18, 1994.

"...Chairman Wassum read the request for Preliminary Subdivision Plat approval of Park Lawn Subdivision, Sections 4-9 and asked the City Planner to review the request.

Ms. Turner said that this request involves some of the remaining land adjacent to Park Lawn Subdivision, Sections 1-3. It involves the continuation of Park Lawn Drive and Stoneleigh Drive and the connection of Park Lawn Drive to Garbers Church Road. There are a total of 86 Single Family lots which are zoned R-1, Single Family Residential. The minimum lot area is 10,000 square feet and the minimum lot width at front setback is 80 feet.

She referred to a revised plat and stated that the portion shaded on the map is to show the 100 year flood plain and the area between the floodway and the flood plain. You can construct a dwelling in the 100 year flood plain area as long as the dwelling is elevated to 1 foot above the base flood elevation. In addition, there is a conditional letter of map revision from the Federal Emergency Management Agency held by the City. When improvement work on Garbers Church Road is completed, certification of the work will be sent to them and at that

point they will issue a letter of map revision changing the boundaries for the flood plain. Ms. Turner explained that Mr. Lacey believes that at the time the City is doing the work to Garbers Church Road, he will be filling in the back part of these lots and further reducing the area in the flood plain. In the event that none of this happens, the worst case scenario is that he would have to elevate the homes in the area to 1 foot above the base flood elevation.

The City Planner read the variances requested in Mr. Lacey's letter dated August 4, 1994.

A. Reduction of centerline radius to 150 feet at one point on Park Lawn Drive. This is requested in order to have the road layout avoid the sinkholes that are present on this property.

B. Elimination of sidewalks (Sec. 3.1.7). Presently, Park Lawn Subdivision does not have sidewalks, nor are sidewalks being constructed by the city with the widening of Garbers Church Road. Thus, sidewalks would not connect on any side of this subdivision. Also, with this being a continuation of the existing Park Lawn Subdivision, I would like to keep all of the sections consistent.

Ms. Turner explained that there were 6 staff concerns as cited in a memo to the Planning commission, dated August 19, 1994. She said that the 150 foot radius reduction was #4 on that list. She went on to say that in order to avoid sinkholes in the construction of Park Lawn Drive, this was a reasonable request. She added that if it is approved this way, the developer will be responsible for posting a "reduced speed limit" sign, as well as a "curve ahead" sign as was shown 4 on the list of staff concerns.

Ms. Turner referred to #5 on the list of staff concerns which stated: "The driveway for lot 30, located at the corner of Park Lawn Drive and Garbers Church Road, needs to enter onto Park Lawn Drive because there will be a guardrail on the Garbers Church Road side". She said that Mr. Lacey has agreed to this.

She referred to #2 on the list which stated: "A 10 foot wide utility easement along all streets for HEC is needed". She said that Mr. Lacey has agreed to provide this easement.

She referred to #1 on the list which stated: "Lot Sizes of corner lots. Section 10-2-42(h): Residence corner lots shall be increased in width to permit appropriate building setback from and orientation to both streets in conformity with chapter 3 of this title. This requirement means that regardless of which street a house on a corner lot is intended to front, it should be able to front on either street. There are concerns that with the corner lots in this subdivision, the 100 foot required lot depth is not met with orientation to both streets. Mr. Lacey contends that the ordinance does not clearly state that the width must be increased to meet the required lot depth. He is prepared to show that houses can be constructed on all corner lots, meeting all required setbacks. He also has researched past subdivisions to show that these types of lots have been permitted". Ms. Turner said that a problem that staff has is that it may mean that the owner would be very restricted as far as putting on an addition on to the depth of the house. Ms. Turner said that the ordinance does not say how much the width has to be increased. Staff's opinion is that if the lots have to be increased in width and also have to be in conformity with Chapter 3, then both of your lot sides, fronting on the street, need to have the widest dimension required by the zoning ordinance. Ms. Turner said that there are corner lots in the City that do not have the required lot depth. If this is passed then Mr. Lacey needs to be aware that there should be no justifications later for a variance by the Board of Zoning Appeals.

Mr. Stewart asked how the buyer could be protected from this.

Ms. Turner said that this is also a concern of Mr. Cook and herself. Even though Mr. Lacey can convey this to the first home buyer, it is doubtful that the second and third home buyers will be aware of it.

Mr. Cook said that staff did express concern with the Wyndham Woods Subdivision. Staff took the position not to recommend that a variance be granted. However, the first lot built on, did come before the Board of Zoning Appeals because they violated front yard setback requirements. Mr. Cook said that the variance was granted as the Board felt it did show hardship.

Mr. Stewart asked if the Board of Zoning Appeals approved most requests.

Mr. Cook said historically yes, and it becomes more difficult to turn down when its a third generation owner.

Mr. Stewart asked if the rewritten Zoning Ordinances were worded in the same way.

Ms. Turner explained that in the current zoning ordinance, it is not defined where lot depth is measured. The required lot width is 80 feet and is measured at the front building setback line. In R-1, your front building setback line is 30 feet from your front property line, thats where you need 80 feet. Lot depth is discussed but it is not defined where lot depth is measured. In the rewrite it is defined as the average lot depth.

Mr. Stewart said that historically this requirement has been ignored and historically the Board of Zoning Appeals has approved the variances. He said that he wonders why we continue to have that requirement if it is never followed.

Ms. Tuner said that it is possible to have a deed restriction on those lots dictating where the house is to front but that she was not sure if Mr. Lacey would want to dictate which way those homes would face.

The Commission reviewed the plat to see which lots were in question.

Ms. Turner asked to continue with the #6 staff concern which said: "The requirement for sidewalks should not be eliminated in a neighborhood of this type. If this development is not required to install sidewalks, the requirement should be eliminated in the Design and Construction Standards Manual". She said that sidewalks are a requirement that came into effect in January of '94 and that since then we have not had a single family subdivision come in where sidewalks were required. One of the reasons Planning Commission waived these requirements were due to the density in a particular area. Ms. Turner said that this is an area that is about as dense as a single family R-1 subdivision can be. It is adjacent to the park and aimed at starter homes. Staff is very concerned and ask that the requirement for sidewalks not be waived. If we are going to have the requirement for sidewalks then it needs to start here. The arguments against having them here are that Park Lawn, Sections 1-3 do not have sidewalks. She said that if this is used as a reason then we would probably never require sidewalks in the City because almost everything is going to adjoin something existing. Garbers Church Road, with the new City improvements, is not going to have sidewalks and is also used as another reason. The City Planner said that Garbers Church Road was designed prior to adoption of the Construction Standards Manual. In addition, Garbers Church Road is an existing street, not a new street in a new subdivision. The Construction Standards Manual states that existing streets being improved as part of a subdivision may or may not require sidewalks. That would be a decision made at the time of the

development. Ms. Turner stated that if the sidewalk requirements are waived here, then staff recommendation would be to recommend removal of that requirement from the Design and Construction Standards Manual.

Mr. Tim Lacey referred to a sketch and explained that the subdivision was directed to the low to medium income group. He described the area, the road improvements, the home styles and said that the price range would be in the upper 80's and mid 90's. Ms. Lacey said that he didn't understand why variances were needed on the corner lots. He said the code read: "Increased in width to permit appropriate building setback". Mr. Lacey said that he felt that he and other subdivisions have done that. He presented to the Commissioners the existing Park Lawn, Wyndham Woods, Conrad and Greendale Subdivision plats to show that they did not have the 100 foot depth requirement that staff is requesting. He listed some of the lots that were in question in Park Lawn and explained that he felt that they were looking at the affordable market and the largest would be a 50 foot long house with a depth of 35 feet. He presented lot plans showing how he could orient houses on all lots in question.

Mr. Lacey said that they were dealing with 7 different sinkholes in the project and felt the 150 foot radius should not be a problem. He also stated that he had no problem with posting advance warning street signs.

Mr. Lacey stated that in the 1991 Comprehensive Plan, within the top ten priority goals for the City, the number 3 goal was affordable housing. He said that one of the objectives that were included in the Comprehensive Plan was to: "Reevaluate the City's land use regulations to consider provisions that encourage the construction of affordable housing. Factors that should be considered include: street widths, lot sizes, setback requirements and the use of special exceptions". He said that what he is trying to do is to keep Park Lawn affordable. Some of the requirements in the Design and Construction Standards Manual add additional burdens and costs in developing land and this is not the direction of the Comprehensive Plan. Mr. Lacey referred to the 1988 Effective Buying Income Study as shown in the Comprehensive Plan and said it shows that 76% of the population in Harrisonburg had a median household income of less than \$35,000 and 75.5% in the County had less than \$35,000. That shows a real need for affordable housing. A \$32,000 household income at the interest rate of 8.5% today, allows for a \$89,000 loan, which is about a \$94,000 house.

Mr. Homan asked what the cost would be per house if sidewalks were added.

Mr. Lacey answered, "Probably \$850 to \$1,000 per lot, but that he had seen as much as a \$5,000 to \$6,000 lot price increase due to City requirements. He said the first and second time home buyer would rather not pay the extra money to have sidewalks.

There was discussion regarding the different costs that were involved for the subdivision and the flood plain situation and how it pertained to the Garbers Church Road area. Mr. Stewart and Ms. Turner discussed whether lot depths for corner lots were considered a variance. Ms. Turner explained that staff did consider it a variance and a concern, but would not oppose it. They felt the real concern of staff was the elimination of sidewalks. Mr. Stewart and Ms. Turner said that they felt very strongly that because of the density in this subdivision, it should require sidewalks. That it did not make any sense to have a requirement if at some point it was not imposed.

The Commission reviewed the list of the 6 staff concerns and said that, #1. the lot sizes for corner lots, #2. the 10 foot utility easement, #3. the flood plain boundaries, #4. the turn on Park Lawn Drive being posted with an advance warning and reduced speed limit sign at the developer's expense to accommodate the reduction of the 150 foot

centerline radius, and #5. the driveway for lot 30 at the corner of Park Lawn Drive and Garbers Church Road were not problems of real concern. The Commission agreed that the real issue was the elimination of the sidewalks.

Mr. Neff moved that the first 5 concerns of staff be approved as submitted and to note that this included the approval of Mr. Lacey's request for variance of centerline radius to 150 feet at one point of Park Lawn Drive. Mr. Homan seconded. All voted aye.

Chairman Wassum asked for comments on #6, the requirement of sidewalks.

Mr. Stewart said that there was a significant difference between the Garbers Church Road project and this subdivision. Garbers Church Road is an existing road in an already developed area and the subdivision would consist of 86 lots with all new streets.

Mr. Homan said that the standards have been adopted and until they are changed they need to stay consistent. He explained that he had concerns with having 86 lots without sidewalks due to the safety of the neighborhood.

Dr. Beasley said that due to the safety of children in a large subdivision, he also felt concern about eliminating sidewalks.

Chairman Wassum said that he felt that there should be sidewalks in the City of Harrisonburg due to the safety of the neighborhood. He said he understood Mr. Lacey's points but felt that the sidewalks were needed. He said that the requirement should not be taken out of the Design and Construction Standards Manual.

There was discussion regarding possible plat approval of Park Lawn Subdivision without the requested variance of elimination of sidewalks. Ms Turner explained that if the Commission voted yes on what Mr. Lacey submitted, then it would include Mr. Lacey's variance. Mr. Lacey asked to withdraw the request for a variance to eliminate sidewalks for Park Lawn Subdivision. The request for the withdrawal of the variance was accepted. Planning Commission approved the request for preliminary subdivision plat approval of Parklawn Subdivision, Section 4-9, including recommending approval to City Council for a reduction of the centerline radius to 150 feet on the proposed Park Lawn Drive as shown....."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner explained that this preliminary subdivision deals with the continuation of Park Lawn Subdivision which is located near the intersection of Garbers Church Road and Market Street. Mr. Lacey has already received preliminary and final approval on Sections 1-3 of this subdivision. Mr. Lacey is requesting approval of Sections 4-9 which involves 86 Single Family lots which are zoned R-1, Single Family Residential. As part of this subdivision Mr. Lacey requested two variances be allowed, one of those was withdrawn at the Planning Commission's meeting with the other one remaining. Planning Commission approved the preliminary subdivision provided that this variance request be forward to City Council as City Council is the only body that can actually grant the request for street and size variances. The variance requested is reduction of the center line radius to 150

foot on the extension of Park Lawn Drive. This is being done in order to avoid the sinkholes on the property. Ms. Turner said the Planning Commission recommends approval of this request provided that Mr. Lacey post a "reduced speed limit" and "curve ahead" sign. Following more discussion and comments, Council Member Weaver offered a motion that this request be approved as presented. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on August 18, 1994.

"...Chairman Wassum read the request to relocate water and sewer easements for the Commons Apartments and asked the City Planner to review the request.

Ms. Turner explained that this was a request to relocate water and sewer easements for The Commons Apartments. She said the request was made by LB&J Limited to correct the situation of building encroachment of the existing easements. She explained that there is an Easement attached to the Deed of Easement and a Deed of Easement Modification Agreement. The Modification Agreement shows a change of verbiage. All documents will be given to the City Attorney for his preference for recordation. Ms. Turner said that the relocation has been reviewed by staff and is recommended for approval.

Mr. Stewart moved to approve the request. Mr. Neff seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner explained that this request was for the Commons Apartments to relocate water and sewer easements that was made by LB&J Limited to correct the situation of building encroachment on the existing easements. She said Planning Commission recommends approval of these easements using the modified Deed of Easement Agreement. Following further discussion, Vice-Mayor Dingleline offered a motion that this request be approved as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from Director of Public Utilities Collins for approval of a supplemental appropriation in the amount of \$300,000 to appropriate from Water Fund Reserve for Capital Projects to Water Fund Capital Projects Fund. Council Member Weaver offered a motion for the appropriation to be approved for a second reading, and that:

\$300,000 chge. to: 2011-31010 Amount from Fund Balance

\$300,000 approp. to: 2011-392061-49216 Transfers to Capital
Projects

Transferred from Water Fund (Reserve for Capital Projects) to Water Fund Capital Projects Fund.

\$300,000 chge. to: 1321-34220 Transfer from Water Fund

\$300,000 approp. to: 1321-910161-48621 West Raw Water Line

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

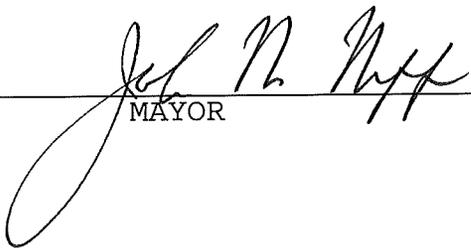
At 8:35 p.m. Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Valley Program for Aging Services and the evaluation of the performance of two (2) City departments, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (7) of the Code of Virginia. The motion was seconded by Vice-Mayor Dingledine, and approved in a unanimous recorded vote of Council.

At 9:35 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

Council Member Lantz offered a motion that Lakey Logan, Route 1, Box 347, Dayton, be appointed to the Valley Program for Aging Services Advisory Board. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING

SEPTEMBER 13, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingleline; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

Mayor Neff expressed Council's happiness to be back in Council Chambers after the renovations. He thanked City Manager Stewart and his staff for the improvements and said the decor is bright and cheerful.

✓ City Manager Stewart explained that four bids had been received on the land the City advertised for sale located on Peach Grove Avenue. The first bid was from Daniel Brubaker for parcel #2 (2.26 acres) for \$16,500.00. The second bid was from Kenneth Kyger for parcel #2 (2.26 acres) for \$25,023.28. The third bid was from Harrisonburg Community Associates for parcel #1 (34.36 acres) for \$416,000 and for a combined bid of \$456,000.00 which includes both parcels of land. The fourth bid was from Rodney Eagle and Kenneth Kline for parcel #1 (34.36 acres) for \$316,115.44 and parcel #2 (2.26 acres) for \$26,200.00. Mr. Stewart said that the advertisement stated that Council would review the offers and reserve the right to accept or reject any of the proposals. Council Member Weaver offered a motion to table this item to review the bids in detail until the next Council meeting. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Director of Public Works Baker presented a report on alternate street repair methods. In the past the City has used hot plant mix overlays mainly for maintenance and reconstruction of these pavements. The City has approximately 123 miles of asphalt pavement. Mr. Baker said from records and information received the amount of money appropriated for plant mix overlays and repairs is not keeping up with the pace of deterioration observed on certain streets. East Washington Street and Vine Street have some areas which are almost beyond repair by surface seals, however, these streets are not scheduled for several years for plant mix overlay. The streets should be sealed before winter. Currently the City is spending approximately \$500,00 per year for plant mix overlays. Asphalt pavements have an average life expectancy of 15 years.

However, the City does not wait through a 15 year cycle before doing something to the streets. To maintain 213 lane miles with plant mix overlay, on a 15 year schedule, would require an annual budget of \$725,000.00 per year. Mr. Baker said the advantages of seal patching and seal coats are lower cost of repair and extended life of pavement if applied before pavement deteriorates (approximately seven years). Some streets could be resealed every 5-6 years, which would extend the life of the pavement to 25-30 years. Some disadvantages of surface treatment (liquid asphalt and stone) are loose stone for approximately 7-14 days, potential for tracking liquid asphalt onto driveways and walks, an asphalt cure time of approximately 48-72 hours, and it would be difficult for bicyclists to negotiate for approximately 7-14 days. It will also have a less attractive surface until loose gravel is removed and the asphalt cures. Following further discussion and comments, Council Member Rogers offered a motion to stay with the 15 year plan using the plant mix overlay and to allocate money in next year's budget. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Vice-Mayor Dingleline offered a motion granting RMH Women's Health Focus's request to display across South Main Street within the Central Business District, a banner from September 30, 1994 to October 31, 1994. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to rezone the property located at 57 West Gay Street from M-1, General Industrial, to B-1, General Business District. Council Member Weaver offered that the rezoning request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to rezone approximately 10.91 acres located on the east side of Commerce Drive from B-2, General Business, to R-4, Planned Unit Residential. Council Member Weaver offered that the rezoning request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request was from Mr. and Mrs. Patrick Sweet to close and vacate a portion of the alley that runs behind their lot, Lot 29, located at 488 South Mason Street. The alley involved runs from Paul Street north, approximately 340 feet, to another alley which accesses Mason approximately 58 foot long portion of the 10 foot wide alley. Ms. Turner stated that at both public hearings there was nobody speaking in opposition to this alley closing. This is a second reading and Mr. Sweet has paid the fee of \$882.05 for the property. Vice-Mayor Dingleline offered a motion to approve this alley closing. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request of the Salvation Army is to close a portion of Monroe Street, between Jefferson Street and Ashby Avenue, including a triangle of land owned by the City and located between Ashby Avenue, Jefferson Street and Monroe Street. Ms. Turner stated that at both public hearings there was nobody speaking in opposition to the alley closing request. The Board of Viewers recommends the alley closing and Planning Commission has recommended this request. Council Member Weaver offered a motion to approve this alley closing request for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a number of capital projects items which are currently in the Sewer Fund balance designated as Reserve for Capital Projects funds into the Sewer Fund Capital Project Fund. These funds will be used for the Blacks Run Interceptor project. Council Member Weaver offered a motion for the appropriation to be approved for a first reading and that:

\$250,000 chge. to 2012-31010 Amount from Fund Balance

\$250,000 approp. to: 2012-492061-49216 Transfers to Capital Projects

Transferred from Sewer Fund (Reserve for Capital Projects) to Sewer Fund Capital Projects Fund.

\$250,000 chge. to 1322-34230 Transferred from Sewer Fund

\$250,000 approp. to: 1322-911161-48641 Blacks Run Interceptor

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

City Manager Stewart presented a request from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$32,005.23 to reappropriate unexpended grant funds, and E-911 funds from 1993-94 budget. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$32,005.23 chge. to: 1000-31010 Amount from Fund Balance

\$ 4,768.09 approp. to: 1000-320132-48203 Fire Programs Fund

\$15,028.37 approp. to: 1000-350532-45240 911

\$12,208.77 approp. to: 350532-46160 Hazardous Material Supplies

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

Council Member Rogers expressed his appreciation for the support on Harrisonburg Family Day. Mr. Rogers presented everyone

with a t-shirt to wear for the event.

Vice-Mayor Dingleline noted that she had received a telephone call concerning the time schedule for the completion of the Port Republic Road. Director of Public Works Baker stated that Port Republic Road is scheduled to be completed by October 1, 1994.

Council Member Weaver noted that she had received several complaints about posters being placed on houses advertising different events. Zoning Administrator Cook said if it is private property it is a civil matter. Also, she said residents had complained about an odor on Washington Street and Virginia Avenue. The residents wanted to know if the plants on these streets are dumping anything unusual into the sewer system. City Manager Stewart suggested the next time a resident detects an odor to call the Water and Sewer Department.

Vice-Mayor Dingleline noted that she had received a telephone call from a resident expressing concern about operating a business in R-1 zoning. City Manager Stewart suggested calling Zoning Administrator Cook for an answer to these questions.

City Manager Stewart stated that the Virginia Municipal League Conference has been scheduled for October 16-18, 1994. The Mayor is the official representative for voting on behalf of Council. In the past the Vice-Mayor has been the alternate delegate. City Manager Stewart will submit Mayor Neff and Vice-Mayor Dingleline names as the voting delegate and the alternate since both will be in attendance at the conference.

At 8:27 p.m. Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Redevelopment and Housing Authority, Parks and Recreation Commission, City Planning Commission, and Harrisonburg Electric Commission and discussion and consideration of the acquisition of real property to be used for a public purpose, namely utility easements, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (3) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to two (2) proposed contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (7) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved in a unanimous recorded vote of Council.

At 9:55 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

At 9:56 p.m, there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

Jul N. Hoff
MAYOR

REGULAR MEETING

SEPTEMBER 27, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingledine; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Weaver delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Mayor Neff expressed Council's thanks to Council Member Rogers and all of the many volunteers involved in the Family Day celebration held on September 24, 1994.

Council Member Weaver offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Richard R.J. Morin, Editor and General Manager of the Daily News-Record, and Dr. Ronald Carrier, President of James Madison University, presented a report on the Committee for Downtown Harrisonburg. The group was formed by a resolution of City Council on January 25, 1994. The committee members were chosen to represent a wide variety of community interests including government, property owners, retail merchants, real estate, higher education and churches. The goals by the committee were to foster a spirit of cooperation and collaboration among members of the community, evaluate the status of the downtown areas and make recommendations for potential improvements, develop a concept for unifying revitalization efforts, determine funding opportunities and acquire funding and conduct studies to substantiate the committee's recommendations. The committee recommended that a revitalized downtown include a multi-purpose arts facility, an expanded public library, galleries, conference facilities, educational museums, arts and crafts shops, specialty shops, restaurants and cafes, parks and development of Blacks Run. Other committee recommendations are to explore the possibility of a historic district, study the establishment of a funding source to pay for multi-purpose facilities, form a foundation board to create a farmers market and an agricultural museum. The committee also recommended the concept of attracting government offices downtown, including state offices. The committee recommended a proactive approach to downtown redevelopment. The City could accomplish this by streamlining the development process, providing tax incentives, exploring enterprise zones, creating incentives for residential development, and evaluating funding options such as grants to spur activity. The committee recommended a budget of \$50,000 over each of the next three years to develop and nurture business and cultural activities in the community. The committee recommended

that City Council and James Madison University each provide \$15,000 for a total of \$30,000 with banks and other businesses or professions providing the other \$20,000. It was recommended that the full committee continue as an advisory group to Council on downtown revitalization. Members of Council stated there is tremendous interest and support in revitalizing the downtown area. Following further discussions and comments, Council Member Lantz offered a motion to consider the recommendations of the committee and continue the committee as an advisory board to Council. The advisory board will provide a more detailed report with a time table of when the funds will need to be appropriated. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council. Council Member Weaver offered a motion that Council hold a work session in November with an appointed executive committee to include a representative from Council and City Manager Stewart and representatives from the committee. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council. Mayor Neff reiterated that Council is committed to revitalization and the goal of a proactive approach to downtown redevelopment.

City Manager Stewart presented a review summary on the retreat that Council held on September 9-10, 1994. Council reviewed its current mission statement and agreed that the mission statement should be more readable and meaningful for citizens and employees. Council also discussed a vision for the City over the next 20-25 years. City Manager Stewart said that the final task of the retreat was discussing goals for the next several years for this Council. The first goal was to develop a transportation system to support the growth of Harrisonburg. The second goal was to maintain a viable and productive workforce in the community. The third goal was to promote an effective working relationship between Council and the School Board. The next goal was to revitalize downtown Harrisonburg. The next goal was to provide infrastructure necessary to support growth and quality of life in Harrisonburg. The next goal was to minimize increases in property taxes and this included discussion of the municipal golf course. The next goal was to obtain meaningful input from citizens to help Council make decisions. The next goal was to save costs and enhance the value of services to citizens of Harrisonburg. The next goal was to have a proactive plan for the City's physical and economic development, and the final goal was to beautify Harrisonburg. These are ten goals that Council has established to work on over the next few years and they embody a good vision for the City over the next few years. This will involve a lot of work from Council and staff, but also the community as a whole. Council Member Weaver offered a motion to adopt the goals set forth at the retreat and direct Staff to move ahead forthwith to the accomplishment of these goals. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart explained that four bids had been received on September 13 for the land located on Peach Grove Avenue the City advertised for sale. This item had been tabled for

further consideration. Council Member Weaver stated that Kale Barb, Commissioner of the Revenue, is known throughout the state for his accuracy of appraisals. This bid is 20 percent lower than the assessed value of the property since the property is assessed at \$15,000 per acre and the bid is \$12,500 per acre. She suggested that Mr. Barb be present at the next meeting to explain the appraisal of the land. Following further discussion and comments, Council Member Rogers offered a motion to accept for a first reading the bid from Harrisonburg Community Associates for \$456,000 dollars for the combined parcels. The motion was seconded by Council Member Lantz, and approved with a unanimous recorded vote of Council. A public hearing prior to the second reading will be held on October 11, 1994. City Manager Stewart will ask Kale Barb if he can be present at the meeting.

City Manager Stewart explained that the deadline for bids on Harrisonburg's taxicab service was September 27, 1994. He said that two potential bidders did not make the deadline. Mr. Stewart said the staff will look at the City's operation, including fare rates, the number of part-time and full-time employees and hours of operations, and suggested that a report could be ready for Council next month.

Director of Public Works Baker presented an updated report on compliance with the new Solid Waste Ordinance. The staff was reduced by six employees, with four of these employees being able to find other jobs and two others were transferred to jobs in other City departments. The attempt to reduce the number of trucks used for trash collection did not work out as planned. Four trucks are being used instead of three trucks, with a cost savings of reduced mileage on each truck. Mr. Baker said an environmental impact has occurred from this program. It has encouraged recycling which has created the refuse that is taken to the steam plant to be cleaner. There has not been any major problems with the students returning to JMU. He recommended that the collection of grass clippings and tree branches be year round instead of from April to October as it is now. The annual leaf and Christmas tree collection will be handled as it has been in the past. More than a dozen residents complained about the new system. Residents wanted a return to the twice-a-week system and an elimination of the five-unit limit. Some residents said they have kept garbage in their refrigerators because they did not want it where it would rot and possibly attract maggots or animals before pick-up day. Other residents complained about mattresses and furniture along some streets of the City. One resident said she had not experienced any significant problems as a result of the once-a-week trash pick-up. She said she has frozen bones and fat, but it was not an inconvenience in exchange for the reasonably priced pick-up service. Mayor Neff said since it is obvious that there are some problems with the trash collections, if a change is needed it will be considered. Following further discussion and comments, it was decided to monitor the situation for a month.

Mayor Neff presented the following resolution for Council's

consideration of approval:

WHEREAS, The United States has been at the forefront of civil and human rights of individuals since its inception. As our nation and culture have matured, it is only natural that we have begun to recognize and ensure the inalienable rights of people with disabilities, as demonstrated by passage of the Americans with Disabilities Act (ADA). The City of Harrisonburg is committed to full compliance with the ADA; and

WHEREAS, America needs the knowledge, skill, talent, and productivity of our 49 million people with disabilities to help energize our economy. Providing people with disabilities the opportunity to work will help reduce the more than \$300 billion spent annually in public assistance and lost productivity; and

WHEREAS, People with disabilities represent the nation's largest pool of talented, skilled, knowledgeable, and hard working persons; they are diverse-encompassing the full spectrum of race, religion, national origin, age, and gender. Small business and industry leaders, labor leaders, and community leaders have called for a diverse and capable work force to propel our economy into the next century; and

WHEREAS, It is important for the City of Harrisonburg to move purposefully toward diversity in the workplace and elsewhere in society not only because it is right and just, but also because it is economically sound. In these days of tremendous national and international economic challenges, we can ill afford to waste the productivity of anyone. We have learned that people with the severest disabilities can learn, work, pay taxes, buy goods and services, and be self-supporting. They will do so given the appropriate opportunities; and

WHEREAS, The Congress, by joint resolution, has called for the designation of October of each year as "National Disability Employment Awareness Month." This month is a special time for all citizens of the City of Harrisonburg to recognize the tremendous potential of citizens with disabilities and the quality they contribute to our culture. It is a time to renew our commitment to full inclusion and equal opportunity for them, as for every citizen.

NOW, THEREFORE, be it resolved that October 1993 is National Disability Employment Awareness Month in the City of Harrisonburg. I call on all citizens of the City of Harrisonburg to observe this month with appropriate programs and activities that affirm, our determination to fulfill the promise of the Americans with Disabilities Act and achieve full employment for people with disabilities.

Adopted by the Harrisonburg City Council this 13th day of September, 1994.

JOHN N. NEFF, MAYOR

Attest:

CITY CLERK

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

Council received the following extract from the Planning Commission meeting held on September 21, 1994.

"...Chairman Wassum read the request for Final Subdivision Plat approval of Wheatley Subdivision, Section 2, Lot 1 and asked the City Planner to review the request.

Ms. Turner said that this request received preliminary subdivision approval on August 17, 1994. The property is located at South Gate Court. She said that at the August meeting it was reported that there were structures that needed to be removed before final subdivision approval. Those structures have been removed and it is recommended for approval as presented.

Mr. Neff moved for approval. Ms. Whitten seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request is for final subdivision plat approval of Wheatley Subdivision, Section 2, Lot 1. She said that this request received preliminary subdivision approval on August 17, 1994. The property is located at South Gate Court. At the August meeting it was reported that there were structures that needed to be removed before final subdivision approval. Those structures have been removed and Planning Commission recommends approval of the final subdivision plat. Council Member Weaver offered a motion to approve Planning Commission's recommendation as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on September 21, 1994.

"...Chairman Wassum asked if there was anything under "Other Business".

Ms. Turner said that there was a request for relocation of an easement for property located on Summit Avenue. She referred to the plat "Physical Survey of Lot 9, Section 1, Park View Heights for Rodney L. & Sylvia L. Eagle" and explained that the plat shows a physical survey of a house on the property. The plat also shows a water line easement and City property where a water tank is located. It was her

understanding that the City has been accessing the water tank from the water line easement but had no true access easement. At the time the property was being inquired about for transfer, there was a discovery that there was also an encroachment from the tennis court onto the City's property as well as a garage that was too close to the property line. The City Planner said that to take care of these things, the City is acquiring a new access easement, and referred to the plat "Plat Showing Access Easement on Lot 1, Brunk Family Trust Subdivision". She said that the City also feels that it would be appropriate to allow the encroachment to continue. There is a Hold Harmless Agreement so that if there is a need for work to be done on the property and it was to damage the tennis court or garage, the City would not be responsible for that damage.

Steve Weaver, of Clark and Bradshaw, explained that the City would be quitclaiming property, as shown on the plat, and acquiring an access easement across property owned by Glen and Malinda Stoltzfus.

Ms. Turner closed by saying that the City Attorney, Earl Thumma, reported that everything was in line and that approval is recommended.

Mr. Neff moved for approval in accordance with Mr. Weaver's statements. Dr. Beasley seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

Planning Director Turner called Council's attention to a large scale map of the area and explained that this request was for relocation of an easement for property located on Summit Avenue. The plat also shows a water line easement and City property where a water tank is located. Ms. Turner said that it was her understanding that the City has been accessing the water tank from the water line easement but did not have true access easement. This request will establish an access easement shown on a separate plat owned by Glen and Malinda Stoltzfus. It was discovered that there was also an encroachment from the tennis court onto the City's property as well as a garage that was too close to the property line. There is an agreement with the City to allow this encroachment to continue if this request is approved. City Attorney Thumma explained that the City had always assumed it had access or ownership and easement for the line. The access easement provides a way for the water department to get into the tank. There is a Hold Harmless Agreement so that if there is a need for work to be done on the property and it produces damage to the tennis court or garage, the City would not be responsible for that damage. Ms. Turner said the Planning Commission recommends approval for the relocation of an easement for the property located on Summit Avenue. Council Member Weaver offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Dingledine and approved with a unanimous vote of Council.

City Attorney Thumma explained that VDOT is requesting the granting of right-of-way easement on Route 33 West in order to widen the bridge over Dry Run. The City owns property that adjoins this bridge. Vice-Mayor Dingledine offered a motion to grant this

right-of-way easement. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart explained that the agreement between the Treasury Board of the Commonwealth of Virginia, Rockingham County and the City of Harrisonburg would allow the City and County to receive an annual reimbursement for the State's share of the construction costs of the jail facility. The final reimbursement schedule will be based on actual costs of the completed jail. The agreement would allow the County and the City to start receiving reimbursement in December, 1994 and each year until December, 2014. The City and County would receive two payments each fiscal year, one in December and one in June. The agreement will be returned to the Treasury Board for final approval. Vice-Mayor Dingledine offered a motion to approve the agreement and appropriate exhibits between the Treasury Board of the Commonwealth of Virginia, Rockingham County and the City of Harrisonburg, granting authority to the City Manager and/or the City Attorney to make non-substantive changes that the Treasury Board may direct and authorizing the City Manager to execute the agreement upon approval by all parties thereto. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart explained that the City Clerk had received a telephone call from a representative of the Salvation Army stating that they are still working on getting authorization for the payment of the street closing. The Salvation Army requested that this item be tabled until they get the proper approval and payment can be made. Council Member Rogers offered a motion that this item be tabled. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a number of capital projects items which are currently in the Sewer Fund balance designated as Reserve for Capital Projects funds into the Sewer Fund Capital Project Fund. These funds will be used for the Blacks Run Interceptor project. Council Member Weaver offered a motion for the appropriation to be approved for a second reading and that:

\$250,000 chge. to 2012-31010 Amount from Fund Balance

\$250,000 approp. to: 2012-492061-49216 Transfers to Capital
Projects

Transferred from Sewer Fund (Reserve for Capital Projects) to
Sewer Fund Capital Projects Fund.

\$250,000 chge. to 1322-34230 Transferred from Sewer Fund

\$250,000 approp. to: 1322-911161-48641 Blacks Run Interceptor

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

City Manager Stewart presented a request from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$32,005.23 to reappropriate unexpended grant funds, and E-911 funds from 1993-94 budget. Council Member Weaver offered a motion for the appropriation to be approved for a second reading, and that:

\$32,005.23 chge. to: 1000-31010 Amount from Fund Balance

\$ 4,768.09 approp. to: 1000-320132-48203 Fire Programs Fund

\$15,028.37 approp. to: 1000-350532-45240 911

\$12,208.77 approp. to: 350532-46160 Hazardous Material
Supplies

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

Council Member Rogers expressed his thanks to everyone for their support and participation in Harrisonburg Family Day. He said the Police Department will design certificates for the different businesses who provided donations and support for the picnic. He said at the retreat it was discussed having a Boys Club/Girls Club organization in Harrisonburg. He said a representative from the Boys Club/Girls Club organization will be in Harrisonburg to discuss the benefits of a local Boys Club/Girls Club. City Manager Stewart will write a letter inviting the Parks and Recreation Commission, School Board members, the School Superintendent, Your Place After School Board members, and City Council. This informational meeting will be held on October 6, 1994 in Council Chambers.

Council Member Weaver asked about the consent agenda that was discussed at the retreat. City Manager Stewart said that he and City Attorney Thumma are drafting an amendment to the City Code.

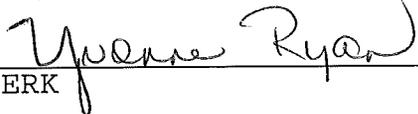
At 10:20 p.m. Vice-Mayor Dingleline offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Redevelopment and Housing Authority, Parks and Recreation Commission, City Planning Commission, Harrisonburg Electric Commission and recommendation to Circuit Court for Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Consultation with the City Attorney pertaining to probable litigation, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (7) of the Code of Virginia and discussion and consideration of the Acquisition of real property for a public purpose, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (3) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved in a unanimous recorded vote of Council.

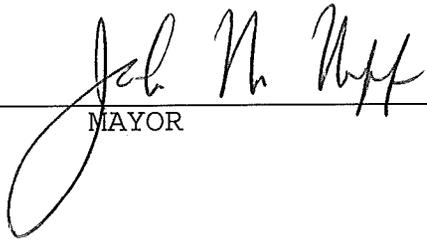
At 10:50 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following

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.

Council Member Weaver offered a motion that Ms. Gloria H. Moore, 440 Effinger Street, be appointed to a second term on the Redevelopment and Housing Authority to expire on November 29, 1998. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

At 10:52 p.m, there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

OCTOBER 11, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingledine; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Mayor Neff delivered the invocation and led everyone in the Pledge of Allegiance.

Vice-Mayor Dingledine offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 7:34 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News Record on Friday, October 7, and Monday, October 10, 1994.

The Harrisonburg City Council will hold a public hearing on Tuesday, October 11, 1994 at 7:30 P.M., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to determine if there is any reason not to sell two (2) parcels of unimproved real estate, containing 36.62 acres and being located on Peach Grove Avenue, in the City of Harrisonburg.

Sealed bids having been received by the City Council at its regular meeting, on September 13, 1994, the City Council intends to convey said parcels to the highest bidder.

Copies of the recommendation of the City Planning Commission along with a copy of a plat and more particular description of the parcels to be sold and copies of the bids received 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.

Steven E. Stewart, City Manager

Kale Barb, Commissioner of the Revenue, explained that the property was assessed at \$15,000 per acre for a total of \$460,800 because some of the property is located under power lines and will not have access to water and sewer. The City purchased the land approximately five (5) years ago from Tip Top Fruit Farm at \$9,000 per acre. After Stone Spring School was built the land was reassessed at \$15,000 per acre with a lot of road frontage on Peach Grove Avenue. He said that this property is the best R-1 site in

the City and should be developed single-family residential. Mr. Barb stated the cheapest lots in the City are valued at \$35,000 per acre and these lots should sell for between \$35,000-\$40,000 per acre.

David Frackelton, representing Harrisonburg Community Associates, stated that the association believes the land is worth \$15,000 per acre. However, there are several problems with the land. Some of the land is located under power lines and cannot be developed. Several acres are located in the county and zoned A-2 which if the lots remain at A-2 the association could subdivide a half acre off every three years. One area will require a pump station for sewerage and another area will require pumping of sewerage and extensive digging and blasting to tie the sewer in. This can be done, but it will be very expensive which leaves only one primary area to be developed. He said the association considered their bid to be very reasonable. There being no others present desiring to be heard, the public hearing was declared closed at 7:53 p.m., and the regular session reconvened. Council Member Weaver offered a motion to accept for a second reading the highest bid from Harrisonburg Community Associates for \$456,000 dollars for the two (2) parcels of real estate containing 36.62 acres located on Peach Grove Avenue. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ Nick Whitmer, Assistant Librarian, presented the annual report on the activities at the Rockingham Public Library. The report described the highlights of the past year operation and contained copies of the audit report. Also included in the report was an information sheet about state aid to public libraries. The state aid is very important to Rockingham Public Library as the money is used for purchasing most of the material. Historically the library has not been fully funded by the General Assembly, but if it was the library could increase the allocation by approximately \$70,000. He said Joyce Moyers, Director of the Library for the past 30 years, will be retiring and that Nicky Lynch will be the new Director of the Library on December 1, 1994. The library owns most of the block on Newman Avenue and plans to develop a building plan for possible expansion of the block. He said one of the top priorities for the library is to automate the manual card file system to a computer system.

✓ Recreation Director Logan presented a report on past studies that included consideration of a municipal golf course on City property located on Smithland Road and property adjacent to Hillendale Park. In December 1984, the City Council authorized City Manager Milam to bid on approximately 86 acres located on the southwest intersection of the Old Furnace Road and Smithland Road just east of I-81 and Cedar Grove Church. The purchase of this property was settled in January, 1985 consisting of four (4) tracts with a total acreage of 85.06 acres. Over the next several years golf course architects were contacted and plans were developed for the municipal golf course. The acreage was also increased to a total of 152 acres. In June of 1986, the Planning Commission approved the concept of developing a municipal golf course on the

152 acres at Smithland Road Park subject to further information and a feasibility study with the City Council voting unanimously to accept the report from the Planning Commission for information. On September 13, 1988, at the City Council meeting a report was presented concerning possible sites for a municipal golf course. It was recommended that the site behind the middle school be selected as the site for the municipal golf course. Council voted unanimously that the plans be sent back to the Planning Commission and City Staff for further review. On September 21, 1988, a plan was presented for an 18 hole golf course to the Planning Commission. A motion was made to approve the concept to establish an 18 hole golf course on the 160 acres City property between West Market Street and Hillandale Park. On September 27, 1988, at a City Council meeting a motion was made to table the concept of a municipal golf course at this time. In 1992 a feasibility study was done as an entrepreneurial field experience by students and staff of James Madison University Small Business Institute. The report stated that the demand was present at that time, but that the area was growing rapidly and this could help to make a profitable course in the future. An updated study to the master plan was completed in 1993 and the concept of a municipal golf facility was kept in the five-year CIP Plan. The Parks and Recreation Department has given a lot of thought and planning to a municipal golf facility in Harrisonburg.

Helen Hanson, stated that many of the people who live near the park see it as a sanctuary for wildlife, a unique jewel in our City park system. She said there are three main reasons against a golf course at Hillandale. First, it is not economically sound and taxpayers have serious questions about its economic feasibility. The second reason is that many people feel that Hillandale is a wonderful natural setting in our midst and that a golf course is incompatible in this setting. She said such a course would go better elsewhere. The third reason is that in its present state it is usable by all the City's residents while a minority of people would use it as a golf course.

James Sipe, stated that there is a real need for a municipal golf course in the City of Harrisonburg. Golf is a very popular recreational activity and is increasing all the time. The present facilities are not affordable to all the people in this community. An affordable facility would be very helpful to schools where clinics and classes could be conducted and it also would support tourism and enhance real estate. Following further discussion and comments, Council Member Rogers offered a motion to authorize the City Manager to seek proposals for a feasibility study by consultants which would be brought back to Council in an expeditious fashion. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Transportation Director Smith presented a report on ways in which losses can be reduced if the City continues to operate the taxi service. Mr. Smith said that the proposal includes increasing the rates, reduce the hours, reduce the number of full-time employees and employ more part-time drivers, keep para transit passengers and school passengers transported by taxi to a minimal,

reorganize the employees, and establish taxi stands. He said by closing the operation during the hours of 2:00 a.m. and 5:00 a.m. on Monday, Tuesday, and Wednesday the department would have a savings of 18 man hours per week which is approximately \$15,000 annually. The department would remain open 24 hours on Thursday, Friday, and Saturday. Change one full-time dispatcher to part-time and eliminate one full-time taxi position. Reducing the number of full-time employees and employing more part-time employees would eliminate the use of bus drivers to fill in and the number of hours some part-time drivers are working. Increasing the number of part-time employees will allow more flexibility during busy periods and absenteeism and would provide an approximate savings of \$50,000 annually. The present rate structure has been in effect since August 1, 1990. It is proposed that the rate be changed to \$2.00 for the first one-fifth of a mile and 25 cents for each additional fifth of a mile after that. This is expected to generate an additional \$90,000 in savings. A surcharge of 25% when chains are required, 50 cents extra charge for calls received after 12:00 a.m. and \$1.00 extra charge for guaranteed service is also being proposed. He said the average fare for the City will go from \$3.50 to \$4.50. A bus is now used for transporting special education students to Staunton each morning and afternoon and students to Montevideo and McGaheysville. The department has not employed a Chief Dispatcher since January, 1991. It would benefit the operation if a dispatcher was again designated to that position to monitor the operation particularly at night and on weekends. The Chief Dispatcher would dispatch, set schedules, monitor and enforce policy for the dispatch and taxi operation. There is a need to establish taxi stands at the Mall, downtown and Dukes Plaza. By eliminating painting the used police cruisers to yellow which has been time consuming, and placing a vinyl checkered stripe along the sides of the taxi could save \$3,000 annually. Mr. Smith said during the first quarter of this fiscal year the taxi service has lost \$67,218. The loss could be cut to about \$75,000 per year by implementing proposed measures and raising fares. Following further discussion and comments, Council Member Weaver offered a motion to readvertise Harrisonburg's taxi service and to make the recommended changes in the operation while trying to sell the taxi service and she also requested a quarterly profit/loss statement. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Planner Turner called Council's attention to a large scale map of the area and explained that as part of the review for the City's Capital Improvements Program, the Planning Commission has identified the needs of the Major Street Plan as well as the Harrisonburg Area Transportation Study. She said two projects that the City has committed to, but have not completed funding allocations for, are the West Market Street and Garbers Church Road projects. After that, the Cantrell Avenue and Reservoir Street projects are the most important areas of concern. The first project for consideration is budgeting approximately \$152,860 dollars in the years 95-97 for the completion of the West Market Street project that is being done in conjunction with VDOT. This

figure does represents the City's 2% share. The second project is Garbers Church Road at \$1,113,000 dollars with the total cost of the project over 2 million dollars, however, about one million in the CIP has already been budgeted. She said after these two projects are completed that Staff and the Planning Commission recommended as being the highest priorities for the next five year period are improvements on Cantrell Avenue. This project will involve improvement of the railroad bridges on West Market Street, improving the turn lanes from Market Street onto Cantrell Avenue and also to four-lane the rest of Cantrell Avenue. After these projects have been considered the area behind the Valley Mall will need improvement. This will include Reservoir Street, Neff Avenue/Peach Grove extension, and Pleasant Valley Road as priority road projects before the end of the decade. Alternative financing will be needed to consider these projects. The \$8.1 million road projects will likely have to be funded in large part by a bond issue of approximately \$7.3 million in the next couple of years. She said in the long range plans are developing the loop system with the County and getting this into VDOT's plan. Also to be considered is that CISAT campus will bring approximately 3,500 more students into the area by 2010. Following further discussion and comments, Vice-Mayor Dingledine offered a motion to approve the concept that has been recommended by the Planning Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to award a contract for Garbers Church Road improvements and also to authorize the City Manager to execute the appropriate documents. The Garbers Church Road project has been under discussion for several years. This project is an annexation mandate that should have been completed in January of 1993. It is being proposed to award the contract to Perry Engineering Services in the amount of \$2,783,178.34 for the road improvements and water and sewer services in the Garbers Church area. He said the sewer portion of this project is fully funded in this year's budget. The Street Department budget will require an estimated \$204,000 this year and about \$1,048,000 in fiscal year 1995-96. In the Water Fund, a loan is proposed to be made from the Sewer Fund in this fiscal year to be repaid by June 30, 1996. The loan will range from \$178,000 to \$447,000, depending on revenues in the Water Fund. The road will be widened to accommodate four lanes of traffic. Following further discussion and comments, Vice-Mayor Dingledine offered a motion to approve awarding the contract to Perry Engineering and to authorize the City Manager to execute the appropriate documents which would include the appropriations. The motion was seconded by Council Member Lantz, and approved with a unanimous recorded vote of Council.

City Manager Stewart explained that payment had not been received from the Salvation Army and payment is required by the City Code Section 6-1-23 before vacating a street or alley prior to the closing. Council Member Rogers offered a motion to follow the code requirement and to table this item until the next meeting.

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

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 2-3-23 of the Harrisonburg City Code. City Manager Stewart explained that the amendment will allow Council to begin using a consent agenda as agreed upon at the September 9-10 retreat. Council Member Rogers offered a motion that section 2-3-23 be approved for a first reading. The motion was seconded by Council Member Lantz, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from the Police Department for approval of a supplemental appropriation in the amount of \$30,611.00 (Federal Grant 94A8464) and \$34,771.00 (State Grant 95-A8666) to increase the budget by grants received by the Police Department. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$30,611.00	chge. to: 1000-33310	Anti-Drug Grant
\$15,782.40	approp. to: 310131-41010	salary/wages/reg.
3,000.00	approp. to: 310131-41020	salary/wages/OT
1,172.17	approp. to: 310131-42010	FICA
1,780.47	approp. to: 310131-42020	retirement VRS
3,070.50	approp. to: 310131-42050	hospital insurance
133.96	approp. to: 310131-42060	life insurance
336.75	approp. to: 310131-42110	workman's comp.
5,334.75	approp. to: 310131-48111	Machinery and Equipment
\$34,771.00	chge. to: 1000-32450	CJS Law Enforcement Grant
\$19,990.85	approp. to: 310131-41010	salary/wages/reg.
3,800.00	approp. to: 310131-41020	salary/wages/OT
1,484.75	approp. to: 310131-42010	FICA
2,255.27	approp. to: 310131-42020	retirement VRS
3,889.30	approp. to: 310131-42050	hospital insurance
169.69	approp. to: 310131-42060	life insurance VRS
426.14	approp. to: 310131-42110	workman's comp.
2,755.00	approp. to: 310131-48111	Machinery and equipment

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

Helen Hanson, 1118 South Dogwood Drive, requested that some benches be provided for citizens waiting at a bus stop. She suggested that the bus stop sign have the route number and time of arrival of the bus displayed on it and that the buses run on schedule and not arrive early or late at the bus stops.

Lewis Warner, 238 West Market Street, suggested that the City advertise bus routes and taxi stands so the public will be aware of these services. He also stated that he cannot afford to take his trash to the dump and that if the City charges extra for anything

over the five units he will not be able to pay for the extra units.

Council Member Weaver mentioned that she had received a telephone call about two houses on South Main Street. These houses have furniture and trash cans in the front yard. These houses are located at 1135 and 1155 South Main Street. City Manager Stewart said there have been situations like this in previous years and unless the City can show health or safety issues appearances are not something the City can regulate.

At 10:14 p.m. Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Rockingham/Harrisonburg ASAP Commission, Parks and Recreation Commission, City Planning Commission, Harrisonburg Electric Commission, recommendation to Circuit Court for Board of Zoning Appeals, and Executive Committee of the Downtown Committee exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for a public purpose, namely, housing a city department, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (3) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved in a unanimous recorded vote of Council.

At 10:55 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

Council Member Weaver offered a motion that Emily Dingledine, Vice-Mayor of City Council, be appointed as City Council's representative on the Executive Committee of the Downtown Committee. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:57 p.m, there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

John N. Huff
MAYOR

REGULAR MEETING

OCTOBER 25, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingleline; Council Members Hugh J. Lantz and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Council Member Larry M. Rogers.

Vice-Mayor Dingleline delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Vice-Mayor Dingleline offered a motion to approve the minutes as received and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

Mayor Neff presented the following resolution for Council's consideration of approval:

WHEREAS, our children are our most precious resource and represent the future hopes of Virginia and the nation; and

WHEREAS, it is our collective social responsibility and moral obligation to protect our children, to provide support to their families, to contribute to their physical and mental well-being, and to ensure that each child has a fair and equal chance to grow and develop to his or her maximum potential; and

WHEREAS, there are currently children receiving early intervention services in Harrisonburg and others who are eligible for services but may not know that services exist; and

WHEREAS, early detection and treatment of these conditions is critical to the health and well-being of these children and families; and

WHEREAS, there are a variety of existing programs established to provide help to children with disabilities and their families through early intervention; and

WHEREAS, there is a great need to increase public awareness and understanding of the strengths and needs of our children with disabilities and to encourage early detection and intervention; now, therefore, be it

RESOLVED that the Harrisonburg City Council designates the month of November, 1994 as Early Intervention Month in recognition of local efforts in early intervention and to call attention to its significance for all citizens.

Adopted this the 25th day of October, 1994.

MAYOR

ATTEST:

CITY CLERK

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

✓ Mayor Neff presented the following resolution for Council's consideration of approval:

WHEREAS, on June 6, 1944, Allied forces embarked on and carried out the greatest land invasion the world has known, which ultimately changed the course of history; and

WHEREAS, in June 1994, on the 50th Anniversary of the D-Day Invasion, national and international attention centered on the Bedford area as the result of its soldiers from Company A, 116th Infantry, 29th Division being in the first wave of the Invasion, and Bedford, Virginia having the solemn distinction of being the community that had the highest per capita loss of lives during the Invasion; and because of this historic event, the Bedford area assisted in changing the history of the world; and Bedford being located between two major metropolitan areas, Roanoke and Lynchburg, with an excellent transportation access system and within a one-day drive of fifty per cent of the population of the United States; and

WHEREAS, by and through this distinction the Bedford area has earned the right to be the site of the National D-Day Memorial because of the deep community interest in its history and in this particular event, and this Memorial will provide a means of continual remembrance and ongoing education about D-Day in the world's history and specifically the role of the 116th Infantry and Bedford's role and impact in this event;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Harrisonburg strongly encourages and supports the location of the National D-Day Memorial to be in Bedford.

BE IT FURTHER RESOLVED that the City Council of the City of Harrisonburg calls upon all jurisdictions who are a part of the 116th Infantry to become regional partners in this effort and request these same locations to support the location of this memorial in Bedford, Virginia, based upon its historic significance, its central location of those communities, who are within the 116th Infantry, and the national and worldwide knowledge of the Bedford area's role in the D-Day Invasion. It is a suitable, logical location for a monument that honors all branches

of the armed forces and specifically those soldiers who were involved in D-Day.

BE IT FURTHER RESOLVED that a copy of this resolution be mailed to the National D-Day Memorial Foundation and to all governing bodies of jurisdictions which are members of the 116th Infantry.

ADOPTED AND APPROVED this _____ day of _____, 1994.

JOHN N. NEFF, MAYOR

ATTEST:

CLERK OF COUNCIL

✓ Jim Werner, State Commander of Veterans of Foreign Wars, on behalf of the Rion-Bowman VFW Post 632 presented to City Council a resolution supporting the City of Bedford as the location for a memorial to all branches of service. He said that the local Harrisonburg VFW Post 632 supports a site located in the City of Bedford, Virginia as Bedford paid a particularly enormous price by losing 23 of its sons on D-Day June 6, 1944, which represents the highest per capita loss of soldiers of any locality in the United States. Bedford is committed to providing a significant contribution toward this initiative to be estimated in excess of \$250,000. The memorial will be dedicated to the memory and honor of all those who were a part of the Normandy Invasion. Council Member Lantz offered a motion to accept the resolution to support a memorial location in the City of Bedford. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ Director of Public Works Baker presented an updated report on refuse collection. He said the department recommends that the City keep its once-a-week schedule for residential trash collection. He also suggested providing residents with the option of purchasing refuse stickers at \$1.00 each to use when refuse is over the five unit 35-gallon limit. He said the City is encouraging residents to bag leaves for Wednesday's collection and will accept the long bags of leaves. The City will start the vacuum leaf collection on October 31, 1994 and continue for a month or longer. Council Member Lantz suggested looking into the feasibility of allowing City residents to order refuse stickers by mail. Following further discussion and comments, Council Member Weaver offered a motion for a first reading to continue the once-a-week trash collection and the five unit limit. The motion also called for the option of purchasing stickers at a \$1.00 each for additional units. This request could be made by mailing a stamped self-addressed envelope to various departments in the City. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council Members present.

✓ Director of Public Works Baker presented a report on 1994-95 snow and ice control. Mr. Baker said the purpose of the snow and ice control is very important to the life of the City, businesses, schools, and government as life continues during a major storm. The goal is to lessen the severity of the conditions by making the streets safe for the traveling public. The snow plan will provide treated roads within two to three blocks of every citizen. He said the department has 60 employees and 28 pieces of equipment for snow and ice control. This year the City will use crews consisting of 2-3 trucks with an operator in each truck having the authority to make decisions. The City has been divided into seven different areas with each area having equipment for the purpose of working on intersections. The snow removal methods include the primary streets first and then the residential streets, cul-de-sacs/intersections, school lots, sidewalks and parking lots.

↙ City Planner Turner presented an update report on the City Design and Construction Standards Manual which became effective January 1, 1994. The development of this document was a recommendation of an Ad Hoc Committee which had been formed to study the operations of the Department of Community Development. The primary purpose of the document is to establish guidelines and standards for public facilities constructed in the City. During the ten month period that this document has been in effect, the Planning Commission and Council have received and approved variances for width requirements, maintenance bonding, geotechnical reports, sidewalks and length of cul-de-sacs. The development committee was very concerned that the geotechnical reports were costly and in some projects unnecessary. The City has prepared language to amend the policy to eliminate the requirement for an up-front geotechnical report which will require more stringent field inspections. These inspectors will be allowed full authority to make field decisions on soil suitability, subgrade stabilization, drainage provisions, and other geotechnical-related items. The state in the past year has adopted language amending the state code that allows the Commissioner of Transportation to grant waivers to the street hard surface width requirements if requested by the governing body. This cannot be in conflict with the health, safety, and welfare of the general citizenry. Another concern of the developers is the maintenance bonding requirement which requires submitting a letter of credit for 10% of the cost of the public improvement, but in fairness to all developers this requirement should remain. The requirements for sidewalks was discussed with the developers. As the legal community had some concerns with the requirement deeds of easement wording, the "Stormwater Detention Easement-Privately Maintained" will be removed from the document. The length of the cul-de-sac should remain at 500 foot maximum length for safety and service delivery reasons. There will also be some changes in the language of design procedures for detention basin and water and sewer peaking factors and other small typographical or grammatical problems. The City has set up an atmosphere that fosters the exchange of ideas while still maintaining and protecting the safety of the citizens and the quality of the infrastructure. Council Member Weaver requested

information on the street width requirement of several urban counties such as Fairfax County, Chesterfield County and Henrico County in comparison to Harrisonburg's street width guidelines. City Manager Stewart said our standards are compatible to other urban communities in the state.

Director of Public Utilities Collins explained that in revising the Water and Sewer Capital Improvement Plan it is very important to consider the infrastructure needs and growth in unserved areas. Mr. Collins said that in the current CIP plan the Smithland Road area lacks water and sewer utilities which was not covered in the annexation. Dick Blackwell, of Blackwell Engineering, presented general recommendations which are necessary to provide water and sewer infrastructure to the City's Smithland Area. Mr. Blackwell explained that this Feasibility Study has been prepared for the areas generally bordered by I-81, Smithland Road, Keezletown Road and Country Club Road. Existing truck sewers and water mains were evaluated as to their adequacy based on existing and proposed development. Previous studies concerning sanitary sewers were incorporated in this study and evaluated using the revised criteria and new service area. Sizing was based on average actual flows for various zoning types that were historically experienced by the City. The plans calls for expenditure of \$1.6 million for water and \$1.24 million for sewer, in current dollars, in a 10-year program. The plans do not include spending money on the project in the next fiscal year.

City Manager Stewart explained the proposed format for the November 1st Town Meeting which is similar to the one used for the first Town Meeting held on September 30, 1993. The primary focus will be on goals that Council adopted at the September 9-10, 1994 retreat and sharing the draft of the revised mission statement. Mayor Neff will establish the ground rules allowing each person a five minute time limit and to speak only once until everyone has an opportunity to speak.

Council received the following extract from the Planning Commission meeting held on October 19, 1994.

"...Chairman Wassum read the request of Virginia Harman to rezone 7,241 square feet, located on the southwest corner of the intersection of Noll Drive and West Gay Street, 57 West Gay Street, Sheet 34, Block H, Lot 14, of the Harrisonburg Block Maps, from M-1 General Industrial to B-1 Central Business District. Chairman Wassum went into Public Hearing and asked Ms. Turner to review the request.

Ms. Turner referred to a map of the area showing the location and the bordering properties and explained that the request was made by Virginia Harman for the contract purchaser Charles Taylor. Mr. Taylor is interested in utilizing the lot and building, as a used car dealership. The used car dealership is a business that is permitted under the current M-1 zoning but the rezoning was requested because of the smallness of the lot. As the lot fronts both Noll Drive and West Gay Street, there are required setbacks of 30 feet from both streets. On the Noll Drive side the building does not make the 30 foot set back requirement. If the M-1 setbacks were imposed on this site, it would leave a buildable area of less than 500 square feet for the property.

This would mean that if the property were destroyed and the owner wanted to rebuild on the lot, if setbacks regulations could not be met, their only recourse would be to request a rezoning or go before the Board of Zoning Appeals to seek a variance. The B-1 zoning classification has no setback requirements. This is the primary reason for the request. The B-1 zoning classification also has no off street parking requirements. The property does presently have some off street parking area that could be utilized. Mr. Taylor is not planning to add onto the building at this time and will be using the lot for the display of automobiles. Ms. Turner referred again to a map of the area and explained that the property was surrounded by a mixture of commercial and industrial uses and is adjacent to areas zoned both M-1 and B-1. She said the property is bordered by Noll Drive, Gay Street and the C & W Railroad. The Comprehensive Plan recommends a "commercial" use of the property. The City Planner went on to say that because of the small size of the lot and its location with two street frontages, compliance with M-1 setbacks is not practical. The requested rezoning to B-1 is in compliance with the Comprehensive Plan and is also reasonable, given the property's proximity to downtown and other areas in the B-1 zoning classification. For these reasons, the request is recommended for approval as presented.

Chairman Wassum asked if there was anyone that would like to speak in favor of the request.

Mr. Charles Taylor, contract purchaser of the property, explained that he and his son were in partnership on the property. He explained that he had been working to acquire the property for approximately 2 years. He said that the property did have some contamination but has now been cleared with the EPA. Mr. Taylor brought the Commission's attention to the fact that he and his son had cleaned up the trash on the property.

Chairman Wassum asked if there was anyone else that would like to speak in favor of the rezoning. There was no one. Chairman Wassum asked if there was anyone that would like to speak against the request. There was no one. Chairman Wassum brought the meeting back into General Session.

Mr. Neff moved to approve the rezoning request. Mr. Homan seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

City Planner Turner called Council's attention to a large scale map of the area and explained that this request was from Virginia Harman to rezone 7,241 square feet parcel located on the southwest corner of the intersection of Noll Drive and West Gay Street, from M-1 General Industrial to B-1 Central Business District. This request was received by Virginia Harman on behalf of a contract purchaser Charles Taylor who is interested in using this property as a used car dealership. The property is currently zoned M-1 general industrial and will permit a used car dealership on the property. However, within that zoning classification there are some setback regulations. On the Noll Drive side the building does not make the 30 foot set back requirement. If the M-1 setbacks were imposed on this site, it would leave a buildable area of less than 500 square feet for the property. As the building is currently in violation of the M-1 setback the B-1 zoning classification which has no setback requirements or off street

requirements would leave more area on this property to be developed. Ms. Turner said the Planning Commission has recommended that the rezoning request be approved and to set a public hearing date. Council Member Weaver offered a motion to set a public hearing on November 22, 1994, to consider this rezoning request. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council Members present.

Council received the following extract from the Planning Commission meeting held on October 19, 1994.

Ms. Turner said the request was received from Ray Nicely of CHM&N, agent for the property owner, Bill Neff. The request involves the division of a 10.4 acre tract into three lots; two consisting of 4.649 acres each, and one of 1.106 acres. This property is zoned B-2, General Business District, and all proposed lots meet all zoning requirements. The property has access to water, sewer and streets. The request was spurred by the sale of Mr. Neff's property on the other side of University Boulevard, to the Price Club. There was a lot on the corner of University Boulevard and Reservoir Street that he had previously sold as part of the Price Club deal. That property had to be transferred to the Price Club. In exchange, the owner of that property wanted the lot on the northwest corner. Mr. Neff is now subdividing in order to create a 1 acre lot and transfer it to the person who had previously bought the southwest corner. The subdivision of the property does trigger necessary street improvements including pavement widening and installing curb and gutter. Stormwater management plans are also required as part of the subdivision. Because it is relatively minor, there are no internal streets or sewer lines. They did present a final plat with a stormwater management plan to the City Engineer. The City Engineer has reviewed and accepted this request and a preliminary drainage plan with some comments. Bonding for the required improvements have been provided.

The City Planner referred to a memo written by the City Engineer which describes guidelines used for calculating the stormwater detention needs for future projects on this property. She said that as part of this subdivision, individual-lot stormwater detention has been requested instead of a single detention facility for the entire subdivision. This is actually a request from the variance that we have in our Standards Manual. In his memo, Mr. Rublee states that this is acceptable and in considering the acceptance of individual-lot detention, there are guidelines which would have to be used in stormwater detention calculations for future projects. Ms. Turner read the guidelines listed in the memo.

"A. Existence of an adequate channel will not be accepted as an alternative to stormwater detention. Post-development runoff shall be detained to pre-development rated for the 2-year and 10-year storms, considered individually, during both peak flow and critical volume conditions. Detention basin outfalls shall tie directly into the underground storm drain system.

B. Project areas used in future SWM calculations shall include the entire lot and shall extend to the pre-existing edge of pavement along Reservoir Street and University Boulevard. All street frontage improvements shall be considered as part of the post-development condition of future individual projects.

C. Pre-development C-factor used for on-site areas shall not exceed 0.35."

Ms. Turner referred to the first paragraph of Mr. Rubble's memo and read: "The individual-lot stormwater detention is acceptable

provided Mr. Neff install a storm drainage system sufficient to convey concentrated future discharges from the projected lots in the ultimate subdivision. However, complete construction plans must be submitted prior to starting work."

The City Planner concluded by saying that provided these stipulations are followed and are part of the variance granted, there are no objections and the request is recommended by staff for approval.

Mr. Neff moved for approval. Ms. Whitten seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

City Planner Turner called Council's attention to a large scale map of the area and explained that this request was received from Ray Nicely of CHM&N, agent for the property owner, Bill Neff. The request involves the division of a 10.4 acre tract into three lots; two consisting of 4.649 acres each, and one of 1.106 acres. The property is located on the northwest corner of University Boulevard and Reservoir Street. She said that the request was spurred by the sale of Mr. Neff's property on the other side of University Boulevard, to the Price Club. There was a lot on the corner of University Boulevard and Reservoir Street that he had previously sold as part of the Price Club deal. As part of the negotiation in selling the property to the Price Club the owner of that lot wanted the lot on the northwest corner. The subdivision of the property does trigger necessary street improvements including pavement widening and installing curb and gutter. She said the City Engineer has reviewed the property and has noted the guidelines to be used in calculating the future storm water detention needs as the property develops. Planning Commission has approved the request and also included the guidelines as part of the approval to the variance request. Council Member Weaver offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council Members present.

City Manager Stewart explained that he had received a letter from the Salvation Army requesting that the fee for closing a portion of Monroe Street and a 3,960 square foot parcel of land adjoining Jefferson Street and Ashby Avenue be waived by the City. Mr. Stewart said that the City Code requires payment for the street to be closed as a condition of the closing. According to the City Code if payment is not received then there cannot be a second reading. Council Member Lantz suggested sending a letter to the Salvation Army stating that the petitioner pays for the closing and without payment this request ceases to exist.

Mayor Neff presented the following resolution for Council's consideration of approval:

WHEREAS, the Department of Public Transportation of the City of Harrisonburg has proposed increases in the rates and charges of

the City's taxi service; and

WHEREAS, the City Council of the City of Harrisonburg approved on a first reading an increase in said rates and charges at its regular meeting held on October 11, 1994; and

WHEREAS, this resolution setting forth the new rates and charges for the City's taxi service, pursuant to Section 14-1-81 of the Harrisonburg City Code, is presented for a second reading at the regular meeting of the City Council on October 25, 1994;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves on second reading the following rates and charges for the City taxi service:

\$2.00 for the first 1/5 of a mile

\$0.25 for each 1/5 of a mile thereafter

\$0.30 extra plus waiting time for stops

\$0.30 per minute for waiting time

\$0.50 extra for each passenger over two
(Children under the age of 12, no extra charge)

\$0.30 handling charge per package (No charge for assisting customer with packages)

\$0.50 extra charge for calls received after 12:00 o'clock A.M.

\$1.00 discount for seniors (age 65 or over) on all fares over \$4.50

\$1.00 extra charge, plus time & distance, when chains are required to be used

\$1.00 extra charge for guaranteed service

\$0.60 plus taxi fare for package delivery

These rates shall become effective the 7th day of November, 1994.

ADOPTED AND APPROVED this 25th day of October, 1994.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Weaver offered a motion that the resolution be approved for a second reading. The motion was seconded by Vice-Mayor Dingledine, and approved with recorded vote of Council Members present.

City Manager Stewart presented for Council's consideration of a second reading an ordinance repealing Section 14-1-82, 14-1-83, 14-1-84 and 14-1-85 of the Harrisonburg City Code. City Attorney Thumma explained that in preparing the resolution for the new taxi service rates these sections should have been repealed. Vice-Mayor Dingledine offered a motion that sections 14-1-82, 14-1-83, 14-1-84 and 14-1-85 be repealed for a second reading. The motion was seconded by Council Member Lantz, and approved with a recorded vote of Council Members present.

City Manager Stewart presented a request from the Police Department for approval of a supplemental appropriation in the amount of \$30,611.00 (Federal Grant 94A8464) and \$34,771.00 (State Grant 95-A8666) to increase the budget by grants received by the Police Department. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a second reading, and that:

\$30,611.00	chge. to: 1000-33310 Anti-Drug Grant
\$15,782.40	approp. to: 310131-41010 salary/wages/reg.
3,000.00	approp. to: 310131-41020 salary/wages/OT
1,172.17	approp. to: 310131-42010 FICA
1,780.47	approp. to: 310131-42020 retirement VRS
3,070.50	approp. to: 310131-42050 hospital insurance
133.96	approp. to: 310131-42060 life insurance
336.75	approp. to: 310131-42110 workman's comp.
5,334.75	approp. to: 310131-48111 Machinery and Equipment
\$34,771.00	chge. to: 1000-32450 CJS Law Enforcement Grant
\$19,990.85	approp. to: 310131-41010 salary/wages/reg.
3,800.00	approp. to: 310131-41020 salary/wages/OT
1,484.75	approp. to: 310131-42010 FICA
2,255.27	approp. to: 310131-42020 retirement VRS
3,889.30	approp. to: 310131-42050 hospital insurance
169.69	approp. to: 310131-42060 life insurance VRS
426.14	approp. to: 310131-42110 workman's comp.
2,755.00	approp. to: 310131-48111 Machinery and equipment

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

City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 2-3-23 of the Harrisonburg City Code. City Manager explained that the amendment will allow Council to begin using a consent agenda as agreed upon at the September 9-10 retreat. Council Member Lantz offered a motion that section 2-3-23 be approved for a second reading. The motion was seconded by Council Member Weaver, and

approved with a unanimous recorded vote of Council Members present.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Sections 16-3-2, 16-3-3, 16-4-6, 16-4-7, 16-5-13, 16-5-42, 16-5-43, 16-5-44, 16-6-2, and 16-10-8 of the Harrisonburg City Code. City Attorney Thumma explained that the major categories of these ordinances are assault and battery against a family or household member, stalking penalty, receiving stolen goods, fraudulent conversion or removal of leased personal property, obtaining money or signature by false pretense, manufacture sale or possession of fictitious license or identification, procuring an animal, aircraft, vehicle or boat with intent to defraud, unlawful change of name, possession of marijuana, and throwing or depositing certain substances upon highway. City Manager Stewart requested that the second part of the ordinance for possession of an open alcohol beverage be removed until some additional work can be done on this ordinance. Council Member Weaver offered a motion that these ordinances be approved for a first reading. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous recorded vote of Council Members present.

Council Member Weaver questioned who has the right-of-way at the crosswalk at Anthony Seeger School. Police Chief Harper stated that the pedestrian has the right-of-way. This problem has been discussed many times without a permanent solution to the problem.

City Manager Stewart presented the following resolution for Council's consideration of approval:

BE IT RESOLVED, that curfew is hereby declared to be effective and enforced at and after the hour of 11:00 P.M. on the night of Monday, October 31, 1994 (Halloween), after which curfew hour it shall be unlawful for any person to be on the streets or public places of the City of Harrisonburg for the purpose of celebrating Halloween.

The provisions of this resolution are designed to curb and limit the celebration of Halloween to appropriate hours and shall not extend or apply to the use of the City streets or other public places for any other proper purpose.

CITY OF HARRISONBURG

MAYOR

ATTEST:

CLERK

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

City Manager Stewart recommended postponing the Economic Development Planning Work Session scheduled on October 27, 1994, because several council members would not be present. The meeting was canceled and will be scheduled at a later date.

City Manager Stewart also announced the appointment of City Planner Stacy Turner as the new director of the Community Development Department.

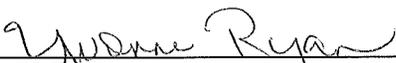
At 10:03 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Rockingham/Harrisonburg ASAP Commission, Parks and Recreation Commission, City Planning Commission, Harrisonburg Electric Commission, and recommendation to Circuit Court for Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Discussion and consultation with the City Attorney and briefings by staff members pertaining to two (2) proposed contracts involving two city departments, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A) (7) of the Code of Virginia. The motion was seconded by Vice-Mayor Dingledine, and approved in a unanimous recorded vote of Council Members present.

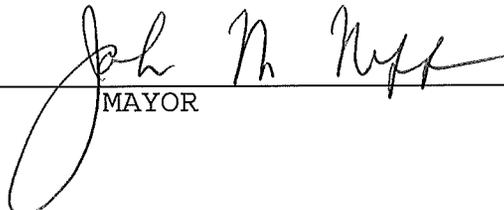
At 10:45 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt 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.

Council Member Weaver offered a motion that Mr. Paul Rexrode, 733 Circle Drive, be appointed to a second term on the City Planning Commission to expire on December 31, 1998. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

Vice-Mayor Dingledine offered a motion that Ms. Cathy McClatchy, 1614 Central Avenue, be recommended to the Circuit Court Judge to fill the unexpired term of Mr. Billy Kuykendall on the Board of Zoning Appeals to expire on March 20, 1998. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

At 10:50 p.m, there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

NOVEMBER 8, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingleline; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Lantz delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Council Member Weaver offered a motion to approve the items on the consent agenda including approval of the minutes and the second reading of these ordinances amending and re-enacting Sections 16-3-2, 16-3-3, 16-4-6, 16-4-7, 16-5-13, 16-5-42, 16-5-43, 16-5-44, 16-6-2, 16-10-8, 6-2-35, and 6-2-37 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous recorded vote of Council.

Council received the following extract from the Planning Commission meeting held on October 26, 1994.

"...Chairman Wassum called the meeting to order and said that the Planning Commission would be considering the proposed Capital Improvement Program and asked the City Planner to give an overview of the document.

Ms. Turner gave a brief review of the format of the Capital Improvement Program Manual and explained that the department heads would talk about any new projects that they may have that were ranked as Priority 1 and 2 projects.

The City Planner explained that each department submitted all of their Capital Improvement Projects which were over \$20,000, and not of a reoccurring nature. Department heads were interviewed by the CIP Committee, which was made up of the City Manager, Assistant City Manager, Director of Finance and the City Planner. Each department head described their projects and cost estimates and the committee ranked them with a priority rating. The priority ratings, shown on page iii, range from 1 through 5. The number 1 code describes projects that are absolutely required, such as projects that are mandated through annexation, through federal or state regulations or things that the City is already committed to in some way. The number 2 code describes projects that are highly desirable, and affect efficiency and effectiveness. The number 3 code describes projects that are desirable. The number 4 code describes projects that are marginally beneficial and number 5 are projects that are not justified. There were no number 5's and only a few number 4's. Concentration went toward priorities 1 and 2, with 3's being put aside due to current funding restraints. The Director of Finance put together revenue projections which included schedules of projected revenues and expenditures for each fund, and the amounts that would be available for Capital Improvement Projects for the next 5 year period (these are projections and are subject to change). Ms. Turner said that the amount available for Capital Improvement Projects in each fund is listed at the bottom of the tables for each fund as well as in the Appendices.

She reviewed pages 1-3, the General Fund Summary of Priority 1 and 2 projects. The General Fund Departments are: Commissioner of Revenue; Electoral Board; Police Department; Fire Department; Community Development; Public Works; and Parks and Recreation with subtotals shown for each department. At the bottom of page 3 is the fund total. A explanation of the State Grants anticipated is on page 4. The projects that depend on State Grants include: the Fire Department defibrillators; the Port Republic bicycle lane; and the West Bruce and West Water Street Projects. Shown at the bottom of page 3 is "Less VDOT Maintenance Funds" which the City receives for maintenance of City roads. "Less Undesignated Fund Balance" includes the Public Safety Building. "Less funds available in General Fund Capital Projects Fund" are funds already committed for Garbers Church Road Improvements. All of these amounts were backed out of the total for the General Fund, showing total amount available from other sources and their total amount needed from the General Fund. Listed last is "Total available from General Fund" which is an estimate.

Ms. Turner went on to say that a lot of these projects that appear as 1 and 2 are things that were in the CIP the previous year. Because they have already been reviewed, this year we are going to focus on 1 and 2 projects that are different from last year.

The City Planner reviewed the Commissioner of Revenue's project. She said that the Commissioner of Revenue has only one project listed in the priorities 1 and 2. This project is to purchase assessment software that would enable the City to conduct computer assisted in-house re-evaluations. The system would tie into Pentamation for billing and collections. This will enable the work now done by Kale Barb to be done through the computer system without making as many detailed field visits. This would also avoid hiring an outside contractor to do this work at a higher cost than the computer cost.

Paul Rexrode asked if this meant that there would be a head count reduction which would recuperate the cost.

Mr. Stewart said that most jurisdictions contract this work out. Kale Barb does it all in-house. The City will not always have the luxury of having someone with that capability. The software package is also a one time cost opposed to contracting this work every two years. The contract cost would be in excess of \$100,000.

Ms. Whitten asked if Mr. Stewart expected an increase in revenue with this system. Mr. Stewart answered, "No, Mr. Barb's appraisals have a very high percentage of accuracy when compared to market data."

Mr. Homan asked if there was a yearly update fee. Ms. Turner referred to page 16 and said that there is an operating expense every year.

The City Planner reviewed the Electoral Board's project. She said that the Electoral Board has only one project listed in the priorities 1 and 2. This project is "Voting Machines". The machines now in use were purchased in 1971-72 and it is felt that by the year 2000 the City would not be able to acquire parts for them. The State Board of Elections requires that the same type of voting machine must be used at all precincts consistently. Also, there is going to be a requirement for an increased number of voting machines based on the number of registered people.

Colonel Harper, Police Department, said that there was only one project for the Police Department and that was an expansion of last year's records management project. With the consolidation of the Police and Fire Emergency Operations Center (EOC) and the Public Safety Building, we are also consolidating the Communications and Records Management System.

Mr. Rexrode asked if increased efficiency mentioned on the request would result in a head count reduction.

Colonel Harper said, "No, it doesn't provide the information we need, such as crime analysis."

Mr. Stewart explained that the Police Department is now understaffed in dispatching, and the combining of EOC with Police Department Communications will probably make it more efficient in that we won't need to add more people in the future.

Larry Shifflett, Fire Department, said that there were two projects from the Fire Department. The first is for the 95-96 budget year with a number 2 priority recommendation. It is a request for \$54,000 to purchase 6 automatic defibrillators for the emergency response personnel to use on emergency medical incidents. This is a machine that would deliver electrical shock to restore a person that is in cardiac arrest. He said hopefully we will be able to receive a state grant that will fund 50% of this project and we will see a return from the Virginia Department of Health, Division of Emergency Medical Services of \$27,000. The actual output by the City would be \$27,000.

Ms. Whitten asked about the surety of the grant.

Ms Shifflett said that hopefully this would be one of their priority items.

Mr. Shifflett said that the second item is a request for the 97-98 budget year with a number 2 priority recommendation. This item is to replace the 1982 fire engine that runs out of fire station #3. The program within the Fire Department is to replace an engine, (the piece of equipment that carries the hose and pumps the water), on a 15 year cycle. The vehicle currently has 105,000 miles and is anticipated to have in excess of 150,000 at the time of replacement. The request to purchase the vehicle is for the amount of \$276,000, with an additional \$19,395 in operating expenses. This includes the financing based on a 3 year lease purchase agreement, insurance, fuels, and tires.

Mr. Homan asked if there were a resale market for older engines.

Mr. Shifflett said that there is a limited market for older fire engines. It will have to be disposed of in some way.

Mr. Homan asked if it were sold, would it reduce the cost on this or does the money go back into the General Fund.

Mr. Stewart explained that it would indirectly offset the cost but the amount we would get, when projecting revenues over a 5 year period, is very minuscule. The City Planner reviewed the Department of Community Development's projects. She said that the Community Development Department has no new projects. The first request is the update of topographic mapping which was a priority 2 for last year as well. However there is an amount increase this year because the estimate for last year was based on two dimensional mapping. This year it is based on three dimensional which showed a price increase of \$70,000 to \$80,000. This would re-fly the City to get the topographic information on a map format that can be put into a computer format. The City has not been reflowed since 1988 and at this point new buildings and new roads are now showing. In updating that, it leads us into the GIS System which is the 2nd project. This will allow us to have everything at one central location. On this we will be able to put our contour lines, topographic information, and eventually the water and sewer lines, fire hydrants, buildings, property lines and that type of thing.

Discussion included whether fly overs would still be needed once the GIS is in place and what the GIS would replace. Ms. Turner said

that instead of drawing all changes in by hand, this information would be put into a computer and automatically maps would be updated. Mr. Stewart added that this is something that most communities the size of Harrisonburg would have had 10 years ago.

Mr. Jim Baker, Public Works, said that there were several projects and or equipment replacements that are new. He referred to page 2 and 3 of the Summary Sheet and said that the Equipment Transport Unit for the year '99-2000, in the amount of \$80,000, is an equipment replacement. This unit is used to transport the heavy pieces of equipment for the Public Works Department as well as the Water and Sewer Department. The 2nd item in the amount of \$25,000 for the year '98-'99 is replacement for computer equipment in the Public Works office. The item, "Financed Road Improvements", (Reservoir, Neff, and Pleasant Valley) is the start of a \$7.3 million bond program. The item, "Port Republic Road-Bike Lanes & Sidewalk", is a \$175,000 expenditure. We are hoping to apply for grant money from VDOT for this project. The "Water Street Parking Deck", includes the rehabilitation of the deck. The "Elizabeth Street Parking Deck" project is currently in the engineering process. The "Light-Mt. Clinton/N. Liberty Street", is a \$100,000 request for the years '95-'96. Another equipment replacement, "Bucket Truck", for the maintenance and repairs of signal lights is scheduled for the year '99-2000.

Chairman Wassum asked about the Asphalt Paver listed in the request. Mr. Baker said that this was for a small machine Public Works uses for patch work asphalt paving.

Dr. Beasley asked about the request for an updated light at University and Reservoir. Mr. Baker said that the current light is one that was placed with used parts from the warehouse and does not have sensors or full left turn movements. This would bring the light for that location up to current standards. It is a goal to put in "smart lights" throughout the city. We now have 45 intersections that are on the new electronic systems.

Chairman Wassum asked about further plans for the intersection of Stone Spring Road and South Main Street. Mr. Baker said that is in this current year's budget.

Mr. Homan asked about future plans for sidewalks for the front of Eastern Mennonite University. He felt that this was a very hazardous concern. Mr. Baker said that was a priority 3. Mr. Homan asked how this could be made a higher priority.

Mr. Stewart explained that EMU got a variance on the athletic field that allowed them to have a setback closer to the street. This created a situation that will requires a very expensive retaining wall to be put in before a sidewalk.

Ms. Whitten asked if, when Public Works purchased equipment, do they do lease purchase? Mr. Baker said, "Yes, for items in excess of \$50,000."

Ms. Lakey Logan, Parks and Recreation, said that she had 3 new projects. The 1st is the "Feasibility Study for the Golf Course" which has been moved up to '95-'96 due to the Council's wanting to look at generating revenue. This project could be funded this year if Council so desires; so this may not be in '95-'96. Also listed are new pieces of playground equipment for the year '98-'99 for Westover Park and the year '99-'2000 for Hillandale Park. Westover Park has not had any update for equipment since 1981 and Hillandale not since 1977. With all of the new safety codes and needed replacements, we need to look at new equipment. Ms. Logan said that they are looking at modular type of equipment.

Ms. Whitten asked if it was handicapped accessible. Ms. Logan

answered, "Yes".

The City Planner reviewed the School's projects. She said that last year there was a project called 'New Elementary School'. Instead of that project, this year what you will see as a priority 3, is "Expansion of Existing Elementary Schools". This is to expand existing facilities to meet anticipated future student enrollment needs. The School Board has not submitted their CIP for this year but last year in the CIP there was a request a consideration for an additional elementary school. At this time they are saying that they are not sure that their numbers will warrant that. This year it was requested of them that if the numbers do warrant some type of an addition, then possibly it could be additions to existing facilities. The "Elementary School Improvements" is a priority 2 project and this would be to: install air conditioning in sections of Spotswood, Keister, and Waterman Elementary Schools; dropping ceilings; improving lighting; retrofitting windows to improve energy efficiency; and meeting some ADA standards. This is also based on an anticipated \$4.5 million bond issue with the money becoming available in '97-'98. Until we get a CIP request from the Schools, that's the only project in the priority 1 and 2.

Ms. Whitten asked if the Waterman Elementary School improvements were already being addressed. Mr. Stewart said that Waterman Elementary and Thomas Harrison Middle School are already funded and the debt service is already reflected, the project shown here is not the additions, but retrofitting the older sections. He said this was presented by the School Board as \$1.5 million for 3 years continuously. When we talked to the School Superintendent last year, we discussed looking at funding all three projects at one time and hopefully getting some efficiency with contracting and financing on a 20 year basis as opposed to pay as you go.

Mr. Rexrode asked about square footage per pupil and said that he felt that the square footage is expanding faster than the enrollment. He said he was concerned about the efficiency of use of existing space. He used the High School, Thomas Harrison, and the new elementary school as examples of expansions. Mr. Stewart said that was one of the reasons we asked the superintendent to look, as an option to adding a 5th school, closely at incrementally adding on to existing facilities as opposed to building a new elementary school.

Mr. Mike Collins, Water and Sewer Department, said that the water department was a continued process of previous presentations. In the Sewer Department, on page 224, "Park View Sanitary Sewer Rehabilitation Priorities", is a combination of taking the recommendations from the annexation mandates and combining that with in-house televideo to come up with priority recommendations. Everything else is essentially the same as last year's requests.

Mr. Beasley asked where the "New Water Tank" project was located? Mr. Stewart said it was up behind the JMU campus.

Mr. Rexrode asked if they participated in the funding for this. Mr. Stewart said they will be participating in that they will be providing the land and easements at no cost to the City.

Mr. Collins reviewed the water system for the City and said that the tank that is going to go at JMU will work in parallel with the tank on Washington Street. It will build up our infrastructure, our weakest leak, and also take care of growth.

Mr. Rexrode asked if the City was anticipating demand in the Smithland Road area for sewer and water. Mr. Collins said that the Smithland Road area has no facilities, but it is being planned with a priority 3 over the next 5 years.

Ms. Whitten asked about the \$57,000 that was in addition to the material itself for the Tower Street Reservoir Cover. She asked if it was for fabrication or installation? Mr. Collins explained that it was a contingency and because of problems that might arise with this project, he was anticipating a worse case scenario.

The City Planner reviewed Transportation projects. She said that the 2 projects that were in Transportation last year and they will probably be things that will remain for upcoming years. They are the replacement and addition to school and transit buses. She mentioned that there were some off setting costs on the transit buses which is money we get from state and federal sources.

Mr. Stewart said that the transit buses are funded 80% federal and 10% state.

Mr. Rexrode asked if the JMU transit self funded or are we subsidizing that? Mr. Stewart said, "No, we are recovering our cost." That is the primary reason we are able to offer a transit system, is the contract with JMU. It pays its own way. We have also just entered into a contract with Rockingham Memorial Hospital to provide transportation service to their employees. That will also be on a cost recovery basis. There was discussion regarding the life and operating costs of a diesel school bus opposed to gas.

Mr. Roger Baker reviewed the Sanitation Department's projects. He said the 1st project is "Truck Replacements" for the recycling trucks. The 2nd project is "Steam Plant Additions and Retrofits", which was in the CIP last year but this year shows the debt service. The "Roll Off Container Truck" is to haul City residue from the Steam Plant to the Landfill and is related to the "Ferrous Metal Recovery". By using that system we can recover the metals from the ashes and that will help reduce the amount of residue that's hauled from the Steam Plant and also reduce the amount of space it is taking up in the landfill. Also, hopefully we can get revenue from selling those metals. The project "City Landfill Cell Closure" is something that will be ongoing in the CIP. The project "Cell Development Landfill" is different in that in the past we were talking about developing on our own site. This year it is a cooperative effort with the County. That's our per capita share to help in development of a cell for us to use in the County's Landfill. The project "Refuse Collection Trucks" for the '95-'96 year for \$43,000 is somewhat less than in the years '97-'98 and '99-2000 which is \$75,000. The reason for that is that the \$43,000 will be used to replace a packer unit only, the cab and chassis are okay.

There was discussion regarding the abilities and uses of this unit. Mr. Stewart brought the Commissioners attention to the fact that the CIP was only showing replacement every other year for trucks. If the once a week collection was not started, there would be a truck replacement every year.

There were no new projects in Central Garages.

Ms. Turner explained to the Commission that this year, each of 5 funds would have a \$40,000 share of the Communication System. Discussion included the age of the present system and the power and capabilities of the new system.

Mr. Stewart said that he hopes that the Commission has seen that what the staff has tried to do is to basically take care of what we have. This goal was from the direction of Council and reiterated with the retreat.

Ms. Turner explained that staff was looking for some type of recommendation to forward to Council. This would allow Council to have a Public Hearing at their meeting November 22.

There was discussion in regards to having more information about School projects. Mr. Stewart said that he does not anticipate seeing any new projects from the schools. There may be more information later such as something about a 5th elementary school or adding on to the existing schools.

Mr. Rexrode moved to recommend the Capital Improvement Program for FY 95-96 thru FY 99-2000. Mr. Rexrode said that along with that, he would like to reaffirm the Planning Commission's support of the Cost Containment Goals. Mr. Homan second. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

City Planner Turner explained that on October 26, Planning Commission held a special meeting to consider the City's Capital Improvement Programs for fiscal year 1995-96 to fiscal year 1999-2000. She said each department head described their projects and cost estimates and the committee ranked them with a priority rating. The CIP book contains only current projects that are ranked 1-3. She said the Planning Commission recommends approval of the proposed Capital Improvement Program and to set a public hearing on November 22, 1994. Vice-Mayor Dingledine offered a motion to set a public hearing on November 22, 1994 to consider the Capital Improvement Program. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented the following resolution for Council's consideration of approval:

Be it resolved that the City of Harrisonburg does hereby elect to provide a 3% retirement allowance increase as provided in the Code of Virginia, Section 51.1-130, 51.1.155, 55.1-157 as applicable for its eligible current and future retirees under employer code (5-5208).

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 increase in benefits to its current and future retirees.

Be it further resolved that the City of Harrisonburg elects to allow its eligible current and future retirees to receive the benefit increase effective October 1, 1994.

Now, therefore, Steven E. Stewart, City Manager of the City of Harrisonburg, and Yvonne Ryan, City Clerk of the City of Harrisonburg, are hereby authorized and directed in the name of the Harrisonburg City Council, City of Harrisonburg to execute any required contract in order that said eligible current and future retirees of the City of Harrisonburg may participate in the benefit allowance increase as provided for in the Code of Virginia. In execution of any contract which may be required, the seal of the City of Harrisonburg shall be affixed and attested by the Clerk,

and said officers of the City of Harrisonburg 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.

Adopted this the _____ of _____, 1994.

Mayor

Attest:

City Clerk

City Manager Stewart explained that the General Assembly passed legislation that provides a 3% benefit increase for current and future retirees. The increase is mandatory for elected constitutional officers and their state-funded staffs, professional school board employees (teachers, administrators and clerical staff) and all state employees. This action was taken because of a lawsuit by retired federal employees that claimed discrimination because their retirement benefits were being taxed but state and local government employees were not having their VRS benefits taxed. If the City chooses not to participate, there will be a serious inequity because of the mandatory requirement to provide the benefit for certain employees. In addition, it will put the City at a competitive disadvantage because Rockingham County, Staunton, and Waynesboro have all adopted the resolution. Council Member Rogers offered a motion that the resolution be approved. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from the School Board Unreserved Fund Balance for approval of a supplemental appropriation in the amount of \$400,503.18 for alterations and additional costs for the Harrisonburg High School/Thomas Harrison-Waterman construction projects. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$400,503.18 chge to: 1111-31010 Amt. from Fund Balance
Unreserved

\$400,503.18 approp. to: 1111-49216 Transfer to Capital
Projects

The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council with one abstention by Mayor Neff.

Vice-Mayor Dingledine offered a motion to hold only the December 13th Council meeting unless the need arises to hold a second December meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from Stephen T. Heitz representing the Shenandoah Telephone Company, to amend Section 10-3-78 of the Harrisonburg City Code. This ordinance will amend the zoning ordinance that will allow an additional permitted use under B-1 which is the B-1 Central District zoning classification. It is the same language that currently exists in B-2 general business classification which allows public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations. Council Member Weaver offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from Kevin G. Miller to close a 15-foot alley connecting Ott Street and Monticello Avenue. Council Member Weaver offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from O. Van Pence, II to close a 15-foot alley connecting Monticello Avenue and Ott Street. Vice-Mayor Dingleline offered a motion that the request be referred to the Planning Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart announced that the Chamber of Commerce has invited City Council to attend a banquet on November 9, 1994, at 6:15 p.m. He said that a meeting has been scheduled with the Rockingham Development Corporation and Planning Commission on November 14, 1994, at 7:30 p.m. in the Council Chambers.

City Manager Stewart announced that a work session with the Committee for Downtown will be held on November 16, at 7:00 p.m. in the conference room on the second floor of the municipal building.

City Manager Stewart announced that on November 22, 1994 at 3:00 p.m., a dedication of the new jail facility and a re-dedication of the lower court facility has been scheduled on the west lawn of Court Square. Council members are invited to attend this dedication.

City Manager Stewart announced that Diane Murphy of GTE has invited City Council to an informal meeting on December 15th at 5:30 p.m.

At 8:03 p.m. Vice-Mayor Dingleline offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Rockingham/Harrisonburg ASAP Commission, Parks and Recreation Commission, Harrisonburg Electric Commission, Harrisonburg Redevelopment and Housing Authority, and

recommendation to Circuit Court for Board of Zoning Appeals, and the evaluation of a city department, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for a public purpose, namely streets and public utilities, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (3) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved in a unanimous recorded vote of Council.

At 11:32 p.m., the executive session was declared closed and the regular session reconvened. Mayor Neff 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.

Vice-Mayor Dingledine offered a motion that Earl Budd be recommended for appointment to the Board of Equalization. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that City Manager Stewart receive a 6% salary increase effective January 1, 1995. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council. Council also directed the City Manager to pursue lease options for a vehicle and to report back to Council Members.

At 11:35 p.m., Council recessed the meeting to be reconvened on Monday, November 14, 1994 at 7:30 p.m. in Council Chambers for the purpose of meeting with the Rockingham Development Corporation.

At 7:30 p.m., on Monday November 14, 1994 the regular session reconvened. Brian Shull, RDC Executive Director, explained that the trade and service industries in Harrisonburg have grown but manufacturing has declined in recent years. He said Interstate 81 has been a key in attracting companies to the Harrisonburg area and getting those here to expand. Council Member Weaver noted that traffic is increasing rapidly on I-81, and that the area should be pushing for funds to add a third lane in each direction. Mayor Neff said that developing a U.S. 33 loop around Harrisonburg also should be put on a faster track. James Madison University was listed as one of the major assets in attracting industry to the area. One of the current handicaps is the lack of buildings available for a new industry to move into quickly. Discussion was held on whether to consider constructing a shell building which would consist of four walls and a roof with the new industry finishing the interior. Mayor Neff requested some facts and figures on sizes of buildings, costs and length of time before the

shell building were sold. Mayor Neff also requested that RDC Executive Director Brian Shull provide Council with an updated report on goals in January and how Council will accomplish those goals.

At 9:10 p.m., Council recessed the meeting to be reconvened on Wednesday, November 16, 1994 at 7:00 p.m. in the conference room on the second floor of the municipal building for the purpose of meeting with the Executive Committee of the Committee for Downtown Harrisonburg.

At 7:00 p.m., on Wednesday November 16, 1994 the regular session reconvened. Several ideas proposed by the committee are a new farmers' market and an agriculture museum. The committee's proposal also recommended the Harrisonburg Department of Community Development submit an application for designation of the downtown area as a historic district. Other elements of the proposal were attracting governmental offices to the downtown area, funding multipurpose facilities, and being proactive in downtown revitalization. All specific proposals included the stated philosophy of meeting the cultural, education and entertainment needs of the community's members of all ages.

At 7:47 p.m. Vice-Mayor Dingledine offered a motion that Council enter an executive session to discuss and/or consider the following: Discussion and consideration of the acquisition of real estate to be used for a public purpose, exempt from public meeting requirements pursuant to Section 2.1-344(a)(3) of the Code of Virginia. The motion was seconded by Council Member Lantz, and approved in a unanimous recorded vote of Council.

At 8:29 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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 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 8:30 p.m. Council Member Lantz offered a motion that those issues in need of further study be turned over to the newly-structured committees and that their findings be presented to Council in February, 1995. The motion was seconded by Council Member Rogers, and approved by a unanimous vote of Council.

At 8:32 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

NOVEMBER 22, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingledine; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Council Member Weaver offered a motion to approve the items on the consent agenda including approval of the minutes and setting a public hearing date of January 10, 1995 to consider the request of Lawrence H. Hoover, Jr., acting trustee of Park Crest Land Trust, to rezone approximately 10.91 acres located on the east side of Commerce Drive, from B-2 General Business to R-4 Planned Unit Residential. The motion also included referring the rezoning request of R.S. Monger and Sons to the Planning Commission for its recommendation. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

At 7:36 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News Record on Friday, November 4, and Friday, November 11, 1994.

The Harrisonburg City Council will hold a public hearing on November 22, 1994, at 7:30 P.M. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the proposed Capital Improvements Program, for fiscal years 1995-1996 through 1999-2000. The Capital Improvements Program is a multi-year projection and scheduling of capital projects of \$20,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period.

For any additional information, contact the City Manager's office, 345 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 the Public Hearing.

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

Steven E. Stewart, City Manager

City Planner Turner presented the 1995-96 through 1999-2000 Capital Improvement Program. She reviewed only new projects with a priority one ranking which are absolutely required, or priority two ranking that are highly desirable, and affect efficiency and effectiveness. Ms. Turner explained that at the time the CIP was put together the Port Republic Road-Bike Lanes project total cost was \$200,000. Of this cost \$25,000 was reserved in this year's budget and \$175,00 has been requested in next year's budget. However, only \$75,000 was requested from the City with \$100,000 coming from the ISTEA funding enhancement grant. She said certain design standards will have to be met in order to receive grant money. She said it was decided to look at not only bicycle improvements, but to see what would be the difference between bicycle improvements and four-laning. The cost projection for the bike lanes and sidewalks is \$481,418 which would take this lane from I-81 to Devon Lane. By adding travel lanes to make it a four-lane facility the total cost would be \$678,473. Between the two projects there is a difference of \$197,055 which VDOT will not participate in leaving this figure the responsibility of the City. VDOT would participate at 80% in the cost of the bike lanes and sidewalks if the City received a grant which leaves 20% to be funded locally. The deadline in applying for the VDOT enhancement grant is January 31, 1995. Before applying for the grant or submitting an application Council must hold a public hearing and officially endorse the project application. The public hearing should be scheduled for January 10, 1995. Following further discussion and comments, Mayor Neff requested more information on the ISTEA funding before the December meeting. There being no one present desiring to be heard, the public hearing was declared closed at 8:07 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approved the recommendation of the Planning Commission endorsing the Capital Improvement Program as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart explained that one of Council's major goals to enhance efforts to downtown revitalization will be fulfilled by supporting First Night. Anne Stevens, Executive Director, of First Night Harrisonburg explained that the directors and production committees have been meeting regularly, developing an even greater array of diverse programming, artistic events and alcohol-free, family oriented entertainment. She said a crowd of 5,500 to 6,000 citizens are expected to celebrate the coming of the new year in a safe, alcohol-free environment. She thanked the City for the support in closing certain streets, arranging for the clean-up after the festival and security during the festival. It has been requested closings streets from Wolfe Street to Campbell Street, Liberty Street to Mason Street, and barricading the eastern lanes of South Main Street from Campbell Street to Grattan Street. This will allow safe passage for participants to and from the Harrisonburg Baptist Church. She said it has been arranged to provide bus service from Godwin Hall to downtown. Council Member Rogers offered a motion to support First Night organizers including the bus service. The motion was seconded by Council Member Lantz,

and approved with a unanimous vote of Council.

Mike York, General Manager of Harrisonburg Electric Commission, presented a report on the 69 K V loop around the City. He said the purpose of the 69 K V loop is to be able to move bulk power from the landfill station to different stations in the City. At the present time the electric company is working on the existing sub-station at Mt. Clinton Pike, and has proposed locating a sub-station on West Market Street. A consulting firm has recommended locating a power line between the proposed sub-station on West Market Street to Waterman Drive that will cross over Chicago Avenue and back to Mt. Clinton Pike. A public hearing was held on October 25, 1994, with everyone present accepting the proposed route. Following further discussion and comments, Vice-Mayor Dingledine offered a motion to accept the concept of the report presented by HEC. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a report from the City/County Liaison Committee. He said the committee recommends that the Board of Supervisors and City Council authorize the consolidation of their departments of social services, effective July 1, 1995; prepare proposed legislation to present to the 1995 General Assembly to amend the State Code to allow for the consolidation, using an administrative board consisting of the City Manager and County Administrator as appointed by the respective governing bodies. There will be an advisory board of citizens appointed by the Board of Supervisors and City Council representing each of the voting districts; authorize the position of Assistant Director, effective January 1, 1995, to assist in the transition to the consolidated department; further, that the Director of Social Services be authorized to utilize the existing staffs to the mutual benefit of the communities involved; also, that certain code amendments be approved for a first reading, that would allow the Director of the Department to become the City Department's administrative Board, effective January 1, 1995. The current administrative board would become the advisory board with an increase from three members to five to be in compliance with the State Code. It has been requested that the Harrisonburg Redevelopment and Housing Authority explore options for the necessary office space in the central business district to locate the consolidated Social Services agencies, and also co-locate the existing City/County Health Department into one facility. The City and County will make available funds in the amount of \$20,000 to be shared equally between the City and County to locate the office space. It is the intention of both governing bodies to include this advance in any financing that would be necessary for the project. By consolidating these departments it will fulfill one of Council's goals and will provide improved services to the community. City Council requested that the Harrisonburg Redevelopment and Housing Authority report its finding by January 15, 1995. Vice-Mayor Dingledine offered a motion to approve the report as presented including for a first reading an ordinance amending and re-enacting Section 17-2-1, 17-2-2 and 17-2-3 of the

Harrisonburg City Code. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented an application for hiring of six (6) new police officers under the federally funded program "COPS FAST". He said this bill will provide funding for hiring of police officers to get more officers on the street, reduce the existing workload for police officers, and allow more community policing. It will also address one of the basic points in the draft revision of the City Mission Statement "protecting the health, safety and general welfare of all citizens." If authorized and approved by Council the federal government will pay up to 75% of the salaries and fringe benefits for these six (6) officers for a three-year period. The City's will pay the remaining 25% and also provide the necessary equipment, uniforms, and vehicles to fully outfit these officers. After three (3) years, the City will be responsible for 100% of the actual cost. The cost to the City for these additional officers would be \$100,165 and \$133,691 to the federal government for a total project cost of \$236,856. Following further discussion and comments, Council Member Rogers offered a motion to support the "COPS FAST" program as presented. The motion was seconded by Council Member Weaver, and approved with unanimous recorded vote of Council.

Council received the following extract from the Planning Commission meeting held on November 16, 1994.

"...Chairman Wassum read the request for Final Subdivision approval of Adjacent Transfer Plat, from Sheet 73, Block D, Lot 1 to Sheet 78, Block A, Lot 5.

Ms. Turner said that the subject property is lot 5, previously the site of "Fiesta Cantina". The request is made to add approximately .6 acres to lot 5, making lot 5 a 1.0598 acre site. The property line between the two properties would be vacated and a new one would be established. The purpose of this request is to construct a new commercial facility and allow for additional property for parking. She explained that there were plat revisions that were now being made. One, is a change on the block/lot reference on the first page, which now states that the zoning is B-1 "Business". It would be revised to read B-2. Another, on sheet 2 and 3 of 5 of the plat, the acreage given for the large tract is 20.3139 acres. This would be revised to read 19.68 acres. IF this is approved, the correct plat would be forward to City Council with Planning Commission's recommendation. Staff has no objections and it is recommended for approval with the changes as noted.

Ms. Whitten moved for approval. Dr. Beasley seconded. All voted aye...."

Respectfully submitted,

Stacy Turner
Planning Director

City Planner Turner explained that this request is to transfer approximately .6 acres to an existing lot which is the site of "Fiesta Cantina" to make the lot a 1.0598 acre site. This lot will be in conformance with the zoning requirement and Planning

Commission recommends approval of the request. Council Member Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on November 16, 1994.

"...Chairman Wassum read the request for Final Subdivision Plat approval of Clark Subdivision, Section 1, Lot 1 located on the East side of Erickson Avenue and asked the City Planner to review the request.

Ms. Turner said the request from CHM&N, agent for the owners, to subdivide a 2.000 acre parcel from a 43.708 acre tract. The property is zoned B-1, "General Business District". She said that there had been some concern with a sanitary sewer easement. However, staff has come to the conclusion that with the signing of the plat, the adjacent property owners, Charles Wampler Clark, Martha Clark Barber, and William D. Wampler, are consenting to give that easement at the time where it is determined exactly where that should be. If not, there is an alternative way for that to occur. There are not objections from staff, therefore, it is recommended for approval as presented.

Mr. Homan moved for approval. Ms. Whitten seconded. All voted aye..."

Respectfully submitted,

Stacy Turner
Planning Director

✓ City Planner Turner explained that this request consists of a 2.000 acre parcel being subdivided from a 43 acre tract located on the east side of Erickson Avenue. This lot meets the zoning requirement and Planning Commission recommends approval of the request. Council Member Lantz offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Mayor Neff presented the following resolution for Council's consideration of approval:

WHEREAS, in January and June of 1994, the Harrisonburg City Council voted to grant variances to the required minimum street width for streets in Myers Estates and Blue Stone Hills, Section 5, residential districts of the City of Harrisonburg; and

WHEREAS, these variances were granted because of the unique circumstances surrounding the residential subdivisions, including steep terrain, low population densities and restricted on street parking within the subdivisions; and

WHEREAS, these variances will not compromise the health, safety, or welfare of the public; and

WHEREAS, according to the Code of Virginia, 1950, Section 33.1-41.1, "Payments to cities and certain towns for maintenance of

certain highways', permits the Commonwealth Transportation Commissioner to "waive the requirements as to hard-surface pavement or right-of-way width for highways, where the width modification is at the request of the local governing body," and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Harrisonburg does hereby request and authorize Steven E. Stewart, City Manager, to request such a waiver from the Commonwealth Transportation Commissioner on their behalf.

ADOPTED AND APPROVED THIS 22ND DAY OF NOVEMBER, 1994.

Mayor

Attest:

City Clerk

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

City Manager Stewart presented a request from the School Board Unreserved Fund Balance for approval of a supplemental appropriation in the amount of \$400,503.18 for alterations and additional costs for the Harrisonburg High School/Thomas Harrison-Waterman construction projects. Council Member Weaver offered a motion for the appropriation to be approved for a second reading, and that:

\$400,503.18 chge to: 1111-31010 Amt. from Fund Balance
Unreserved

\$400,503.18 approp. to: 1111-49216 Transfer to Capital
Projects

The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council with one abstention by Mayor Neff.

Council Member Rogers suggested that the City of Harrisonburg recognize James Madison University's Women Field Hockey team for winning James Madison University's first NCAA crown in any sport. He recommended that Council invite the team to the December 13 meeting and present the team with a plaque.

At 9:04 p.m. Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Rockingham/Harrisonburg ASAP Commission, Parks and Recreation Commission, Harrisonburg Electric Commission, and Harrisonburg Redevelopment and Housing Authority, exempt from the public meeting requirements pursuant to Section

2.1-344(A) (1) of the Code of Virginia. Discussion and consultation with the City Attorney and briefings by staff members pertaining to two (2) proposed contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (7) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved in a unanimous recorded vote of Council.

At 9:58 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan 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.

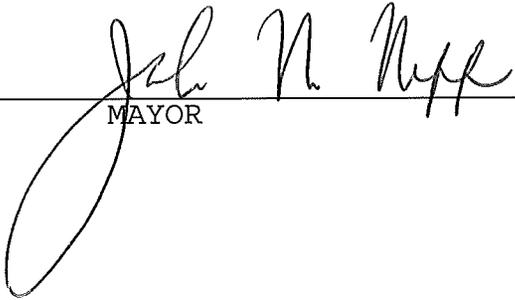
Vice-Mayor Dingleline offered a motion that Roger A. Jones, 1216 Windsor Road, be appointed to a first term on the Parks and Recreation Commission to expire on December 31, 1998. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that John B. Hoover, 296 Newman Avenue, be appointed to a first term on the Harrisonburg Parking Authority, to expire on November 28, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Giles Stone, 2580 South Main Street, be appointed to a second term on the Harrisonburg Electric Commission to expire on December 31, 1997. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING

DECEMBER 13, 1994

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingleline; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Weaver delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

The City Council presented a plaque to the James Madison University's Women Field Hockey team in recognition of winning the championship game. Mayor Neff congratulated the team on winning the NCAA championship, the first in the history of the university.

Vice-Mayor Dingleline offered a motion to approve the items on the consent agenda including approval of the minutes and the second reading of these ordinances amending and re-enacting Sections 17-2-1, 17-2-2, and 17-2-3 of the Harrisonburg City Code. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:40 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News Record on Saturday, November 19, and Saturday, December 10, and Tuesday, December 13, 1994.

✓ The City of Harrisonburg Department of Public Transportation is in the process of updating its 1994 and 1995 plan for providing "paratransit" service for persons with disabilities, as required by the Americans with Disabilities Act of 1990.

Please mail any comments or suggestions prior to the hearing to:

City of Harrisonburg
Department of Public Transportation
475 East Washington Street
Harrisonburg, VA 22801

A public hearing will be held at the regular City Council meeting on December 13, 1994 at 7:30 p.m. The purpose of the hearing will be to review the current plan, discuss possible revisions, and add updated information. Participation in the process by current and potential riders, and local agency representatives is encouraged and welcome.

Transportation Director Smith explained that the City of Harrisonburg is in full compliance with the Americans with Disabilities Act which went into effect on January, 1993. This report provides FTA with information on operating costs, number of passengers, and outreach programs conducted in the past year. There being no one present desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve the plan as presented. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Finance Director Seal explained that the audit of the 1993-94 Financial Statement has received an unqualified opinion for the first time and that the City will seek the Certificate of Achievement from the Governmental Financial Officers Association. Ken Huffman, a representative from Phibbs, Burkholder, Geisert & Huffman, was present to make brief comments and to answer any questions about the report.

City Planner Turner explained that an application must be submitted by January 31, 1995 in order to apply for the ISTEAs funding for the Port Republic Road bicycle/pedestrian facility. She said minimum improvements include widening of the existing street to accommodate four (4) foot wide paved bicycle lanes inside the curb and gutter on both the north and south sides of the street, and installation of five (5) foot wide sidewalks on both the north and south sides of the street. The estimated cost of the project between Forest Hills and Devon Lane is \$481,418 to be funded by the federal government leaving \$96,284 to be funded by the City. Ms. Turner suggested another project to consider would be widening this section of Port Republic Road to four lanes which would cost \$678,473 of which the City's share would be \$293,339, if the application for federal funds is fully funded. She said expanding Port Republic Road to four lanes east of the I-81 bridge is a low priority in the City's five-year Capital Improvement Program. Following further discussion and comments, Council Member Lantz offered a motion to set a public hearing on January 10, 1995 to consider applying for the ISTEAs grant which would install four (4) foot bicycle lanes on each side of Port Republic Road both north and south as well as five (5) foot sidewalks costing the City \$96,284 with approximately \$481,418 provided by the ISTEAs grant. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart explained that the City had received three bids for the sale of the taxi service. He said Paramount Cab Company of Forestville, Maryland has submitted a \$7,000 bid and River City Yellow Cab Company of Evansville, Indiana has offered to buy the company for \$30,000 which would be paid out over a two-year period. A third bidder, Transit Resource Company of Orlando, Florida has offered to help manage the cab service in a public-private partnership. After reviewing the bids a recommendation will be presented to Council on the sale of the taxi cab service on January 10, 1995.

City Manager Stewart explained that special legislation would be introduced into the General Assembly at the January session to facilitate the consolidation of the City and County Social Services agencies. The legislation would allow the County Administrator and City Manager to serve as the local Social Services Board. City Attorney Thumma proposed letting the City's representative present the proposal to the General Assembly. Vice-Mayor Dingleline offered a motion to request either special or general legislation to facilitate the consolidation of the City and County Social Services agencies. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented the revised Mission Statement.

MISSION STATEMENT

The City of Harrisonburg preserves and enhances the quality of life that is unique to our community by:

- * Promoting a partnership between our citizens, elected officials and City employees.
- * Protecting the health, safety and general welfare of all citizens.
- * Planning for the orderly and efficient development of the community.
- * Identifying concerns, problems, and opportunities and taking action to address them.
- * Selecting, training, motivating and retaining highly qualified employees.
- * Creating an organizational environment that fosters integrity, encourages continuous improvement, maintains safe working conditions and promotes individual and team achievement.

Our City projects a friendly image, instills pride in the community and maintains Harrisonburg as *"The City With the Planned Future"*.

At the September retreat it was requested that the current mission statement should be more readable and meaningful for citizens and employees. All City employees have had an opportunity to review the current Mission Statement and to suggest changes. Council Member Weaver offered a motion to adopt the modified Mission Statement. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council consideration of a first reading an ordinance amending and re-enacting Section 10-1-2

of the Harrisonburg City Code. City Manager Stewart explained that the amendment will address the membership of the Planning Commission and will consist of seven (7) members all of whom shall be residents of the City including one (1) member of Council. Under the proposed change, there will be no representative of the administrative branch. Vice-Mayor Dingledine offered a motion that section 10-1-2 be approved for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from the Sanitation Department for approval of a supplemental appropriation in the amount of \$400,000 to be used for Resource Recovery Facility updates. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$400,000 chge. to: 2014-31010 Amount from fund balance
 \$400,000 approp. to: 992042-49216 Transfer to capital projects
 \$400,000 chge. to: 1324-34270 Transfer from Sanitation fund
 \$400,000 approp. to: 910142-48682 Retro-Fit existing Steam
 Plant

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

City Manager Stewart announced that Council and the School Board will hold a retreat on December 14, 1994, at 3:30 p.m., in the Cancer Center at Rockingham Memorial Hospital.

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. City Attorney Thumma explained that the ordinance consists of suspending a person driver's license for seven days upon being arrested for driving under the influence. Council Member Weaver offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 8:35 p.m. Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Electric Commission, Rockingham/Harrisonburg ASAP Commission, Harrisonburg Redevelopment and Housing Authority and the evaluation of the performance of a City Department, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Discussion and consideration of the acquisition of real property to be used for a public purpose and disposition of publicly held property, exempt from public meeting requirements pursuant to Section 2.1-344(A) (3) of the Code of Virginia. Discussion and consultation with the City Attorney and briefings by staff members pertaining to two (2) proposed

contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (7) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved in a unanimous recorded vote of Council.

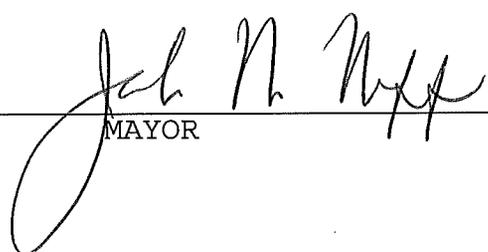
At 11:00 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt 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.

Council Member Lantz offered a motion that Dick Fleming, 474 Myers Avenue, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 1997. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that John Augsburger, 1212 Windsor Road, be appointed to the Rockingham/Harrisonburg ASAP Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

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


CLERK


MAYOR