

## REGULAR MEETING

JANUARY 10, 1995

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 items on the consent agenda including approval of the minutes and the second reading of these ordinances amending and re-enacting Sections 13-1-3, and 10-1-2 of the Harrisonburg City Code and the request for Transfer of funds from Sanitation Fund reserve to Sanitation Capital Projects Fund. The motion also included setting a public hearing on February 14, 1995 to consider the request of Shenandoah Telephone Company to amend Section 10-3-78 of the Harrisonburg City Code and to consider the rezoning request of R.S. Monger & Sons and J.M. Apartments, Kevin Miller and O. Van Pence. The motion was seconded by Council Member Rogers, 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, December 23, and Friday, December 30, 1994.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 10, 1995, at 7:30 P.M. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following rezoning requests.

Lawrence H. Hoover, Jr. acting trustee of Park Crest Land Trust, request to rezone Lot 1, an approximately 10.91 acre lot located on the east side of Commerce Drive, from B-2 "General Business District" to R-4 "Planned Unit Residential District." The R-4 district is intended to permit the development of planned residential neighborhoods containing not less than twenty-five (25) contiguous acres under one ownership or control at the time of approval for development. The minimum acreage requirement may be waived subject to rezoning of adjoining parcels to an existing R-4 district. The Comprehensive Plan recommendation for this property is "Commercial." The "Commercial" land use category is described as areas for retail, wholesale, or service functions. These areas are found along the major travel corridors and in the Central Business District of the City. The property is located at Commerce Drive and is shown as Lot 1, Block N, Sheet 32A on the Harrisonburg Block maps.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

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 and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this request was from Lawrence H. Hoover, Jr., acting trustee of Park Crest Land Trust, to rezone Lot 1 an approximately 10.91 acre lot located on the east side of Commerce Drive from B-2 "General Business District" to R-4 "Planned Unit Residential District." She said the request involves 10.91 acres located on the east side of Commerce Drive. The R-4 zoning does allow non-residential uses designed for the convenience of the adjoining residential areas. These uses include such things as small shops, stores and offices which are concentrated within an area not to exceed 10% of the plan of development and in which no singular commercial uses exceed 2,000 square feet of gross leasable area. She said at the public hearing held by the Planning Commission the owner of Victor Tube Corporation did oppose the rezoning request because of the proximity of the industrial area to residential. Ms. Turner said that the Planning Commission recommends the 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. Larry Hoover, attorney and trustee for Park Crest Land Trust, reviewed the history of the property which at the time of purchase included 37 acres of residential and 7 acres of industrial. The industrial land was on North Main Street and the residential land was behind that property. He said several lots were sold on Main Street and Washington Street, but the property on the inside did not sell. In 1988 the owners built Commerce Drive and Commercial Court dividing the lots into smaller tracts. This rezoning request will provide some affordable housing close to the downtown section of the City.

Keith May, a realtor from Kline Realty, said that this property should be rezoned residential. He said that commercial property in this area is just not selling, due to other preferred areas in the City. There have been more residential units sold in the Northfield area than any other location in Harrisonburg.

Ray Nicely, representing Cooper, Moore and Nicely, said that his firm has been involved with the development of this property, and even though the Comprehensive Plan does call for commercial use, the logical use of this property is residential use. He said rezoning this area might fulfill some of the objectives of the Comprehensive Plan for affordable housing.

Norman Bradburn, property owner on Main Street, stated that the property should be rezoned for residential use and not commercial.

There being no others desiring to be heard, the public hearing was declared closed at 8:09 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Rogers offered a motion to approve the rezoning of approximately 10.91 acres located on the east side of Commerce Drive, from B-2 General Business District to R-4 Planned Unit Residential District. The motion was seconded by Council Member Lantz, and approved with a 4-1 vote of Council with Council Member Weaver voting no. Council Member Weaver stated she voted no because of the impact on schools and the need for the City to be proactive in looking for problems in rezoning.

At 8:17 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 Tuesday, January 3, 1995.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 10, 1995, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to receive comments on a potential application for the Commonwealth of Virginia Transportation Enhancement Program. The proposed project, the Port Republic Road Enhancement Project, would add bicycle and pedestrian facilities to Port Republic Road from Forest Hills Drive to Devon Lane.

All persons interested will have an opportunity to express their views at the Public Hearing. Additional information about this application can be reviewed in the Department of Planning and Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. 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 and Community Development Director Turner explained that this public hearing is being held to consider applying for Transportation Enhancement Program funds to construct bicycle and pedestrian facilities on Port Republic Road from Forest Hills Drive to Devon Lane. She said the total project will cost \$490,000 with the City's share being \$98,000. Since the December 13, 1994 Council meeting the project has been amended which will require \$1,800 in additional City funding. The proposed improvements include design and installation of a four-foot wide bicycle lane inside the curb and gutter and a five-foot wide concrete sidewalk on the west side of Port Republic Road. On the east side of Port Republic Road, the road will be widened and improved to provide a four-foot wide paved bicycle lane, a two-foot grass buffer and a five-foot wide hard surfaced walkway. Mayor Neff called on anyone present desiring to speak either for or against this request to apply for ISTEA funds to construct bicycle and pedestrian

facilities on Port Republic Road from Forest Hills Drive to Devon Lane.

Art Fovarque, a resident of the Purcell area, stated that he supports the City applying for the ISTEA funds. He said due to a large mix of pedestrian, vehicle and bicycle traffic there is a serious potential possibility of accidents in the area.

Michael Newpauer, President of the Shenandoah Valley Bicycle Club, stated that he supports the bicycle plan and hopefully it will be approved. He said this section should be a number one priority area for concern as it is a high traffic area.

Jim Deskins, Director of the Harrisonburg Redevelopment and Housing Authority, endorsed the concept of the ISTEA grant, but offered another alternative to be considered for ISTEA funding. He said the group is presently working on an application that involves the renovation of the former Chesapeake and Western Rail Station adjacent to downtown Harrisonburg. This is a one million dollar project that involves attracting tourists and development of a transportation museum in the downtown area. It is important that the concept of bike traffic be enhanced and the ISTEA funds be used for this purpose, but the group would like to see this accomplished by blending bike traffic from the Port Republic area on through James Madison University's campus to the downtown area. He recommended that Council consider a joint application involving both renovation of the rail station and the bike trail. Funds for ISTEA would be greatly enhanced by connecting more modes of transportation. He said the group hopes to raise \$200,000 in the next two weeks toward this project.

Ed Hand, who lives on the west side of town, stated that sidewalks on 33 West should have a higher priority than the bicycle plan on Port Republic Road. He said for the last six years children attending the middle school have to walk along the road without any protection.

Eleanor Price, stated that she is a bike rider but is against a bike path on Port Republic Road. She suggested a four-lane highway instead of bike paths. There being no others desiring to be heard, the public hearing was declared closed at 8:35 p.m., and the regular session reconvened. Council Member Rogers suggested looking at a bike path that would connect Devon Lane to Village Lane. Following further discussion and comments, Council Member Weaver offered a motion to table action on the application until the January 24th meeting giving staff an opportunity to work with Mr. Deskins and to work on the alternate route suggested by Council Member Rogers. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Sandra Pennington, expressed concern with the changes made by VDOT on the West Market Street project that will have a very detrimental impact on the homes in the area. She said the state made the changes after holding a public hearing to discuss the impact of widening the highway on homeowners, but the state did not notify homeowners of the modification. She claimed there would be a nine-foot retaining wall built in front of her home which will definitely severely devalue the property. She said since the neighborhood is a turn-of-the-century residential area the

aesthetics should remain the same. Mrs. Pennington noted that all plans she reviewed were stamped only a draft and not final. She requested Council intervention into the final plans so that the aesthetics will be retained as well as addressing the water run-off and traffic volume. She also requested intervention into monitoring all changes in the block, as the state can make changes on site as the work is in progress. Mayor Neff noted that the concerns and issues of the neighborhood will be presented to VDOT, but the negotiations and discussion need to occur between the property owners and VDOT. City Manager Stewart will invite Don Komara of VDOT to attend the next Council meeting to make a presentation on the issue and provide an explanation on the decisions made concerning this project.

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

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local governing body so that the Virginia Department of Transportation can program "Transportation Enhancement" projects in Harrisonburg and Rockingham County; and

WHEREAS, the City of Harrisonburg supports the following proposed "Transportation Enhancement" project in Rockingham County for the promotion of the Civil War in the Valley as it relates to local tourism growth;

The application for the inclusion of two Civil War sites (Cross Keys and Port Republic) as part of a stateside grant application entitled "Virginia's Civil War Trails" as part of a larger grant application that may feature over sixty sites, and will provide for linked signage at all sites and a comprehensive brochure to be distributed by the Virginia Division of Tourism.

NOW, THEREFORE, BE IT RESOLVED, that the Harrisonburg City Council requests the Commonwealth Transportation Board to establish the above-listed "Transportation Enhancement" projects; and

BE IT FURTHER RESOLVED, that the Harrisonburg-Rockingham Convention and Visitors Bureau hereby agrees to pay the 20% of the total cost (\$2,000) associated with the inclusion of Cross Keys and Port Republic in the "Virginia's Civil War Trails" grant application.

Ruth Deskins, Manager of Harrisonburg-Rockingham Convention & Visitors Bureau, stated that the bureau is requesting a resolution in support of a state wide promotion highlighting the importance of the Civil War to Virginia. She said these Civil War sites will be linked together in Virginia through an extensive state wide signage campaign. A brochure will be distributed by the Virginia Division of Tourism that will feature over sixty sites including directions to the sites. This project will be presented as a grant

application in conjunction with the Intermodal Surface Transportation Efficiency Act of 1991. Jeff Driscoll, Director of Programs and Property for the Association for the Preservation of Civil War Sites, Inc., stated that the organization was founded in 1987 to help preserve Civil War sites. The sites considered in this area are Cross Keys and Port Republic, the last two battles of Stonewall Jackson's famous Shenandoah Valley campaign. A private organization, The Blue-Gray Educational Society, will provide the \$2,000 toward the funding for the project. Council Member Rogers offered a motion to support the resolution for the application for "Virginia's Civil War Trails." The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ School Superintendent Hiner presented a brief progress report on violence in the schools. A task force of approximately thirty representatives from the community was appointed a year ago to address the issue of violence and offer possible solutions to reduce/eliminate it in our community. The potential of violent acts continues to increase in our society and therefore continues to be a concern for our schools. A brochure listing the task force's recommendations was sent to the homes of each of the students and has also been distributed throughout the community. The schools must have an atmosphere that is free from disturbance, disruption, or danger. It must be a safe and orderly environment for learning. Mr. Hiner noted a very significant statement listed under mission in the brochure which states the overall goal is to gain the participation of the entire Harrisonburg community in a preventive approach to violence. Colonel Harper explained that the police department is very supportive of the D.A.R.E. program being continued in the elementary and middle school. The Crime Stoppers program should be implemented into the community in the next several months. He said through neighborhood watch programs citizens are more involved in law enforcement.

✓ City Manager Stewart explained that the City had received three bids for the sale of the taxi service. He said it is being recommended that River City Yellow Cab Company of Evansville, Indiana be awarded the contract. The company will pay \$30,000 over a two-year period. He said River City Yellow Cab Company has years of experience in operating in small communities. Council Member Lantz moved that Council direct the City Manager to enter into a contract to convey the taxi assets to River City Yellow Cab Company subject to a Certificate of Public Convenience and Necessity being granted to them by the City Council. This item shall be placed on the Council's agenda for January 24, 1995, for Council to consider the issuance of the Certificate of Public Convenience and Necessity. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

F Council Member Lantz announced that he had received several telephone calls concerning increasing the fee in basic cable television service in the City. City Manager Stewart stated that the City has the right to issue the franchise agreement and under some very limited circumstances the City has the right to conduct

some regulations of the basic service. This does not include the adding of four new channels on January 1, 1995 at an increase of 87 cents per month. The FCC allows this situation to occur, but there is a 45 day comment period in which individuals can oppose the adding of these four new channels by filling a form directly with the FCC. The FCC will respond to individual complaints. City Attorney Thumma suggested that citizens should file their complaints with the FCC and provide a copy to the City so it will become a public record.

City Manager Stewart announced that an accident occurred on Friday, January 6, knocking out two columns supporting part of the Harrisonburg Municipal Building portico and demolishing an antique cannon in the process. He said the cost of replacing the cannon and the work of City crews is about \$6,549. The landscape damage and replacing all four columns with aluminum will cost \$34,730.00. The cost of replacing the columns with wood ranges from \$32,230 to \$69,758. Following further discussion and comments, it was suggested making a decision at the next Council meeting on January 24, 1995.

City Manager Stewart provided an updated report on the proposed state budget and how it may impact the City. He said one of the proposals could cost the City one million dollars if the Business, Professional and Occupational License Tax is eliminated from businesses that gross \$100,000 or less. The Governor's proposal still exist to phase this tax out over the next five years. He said through the HB 599 program funding the City has received approximately \$515,000 which helps to offset a small percentage of law enforcement, but the Governor's proposal would reduced this figure by \$77,000 next year. Another proposal is to make significant changes in the reimbursement by the state for the operation of the Treasurer and Commissioner of Revenue offices. Overall the state budget that is being proposed is very detrimental to the City of Harrisonburg and it will be difficult to balance the budget if these things happen.

City Manager Stewart announced that Council and the School Board will hold a meeting on March 1, 1995, at 7:00 p.m. to discuss the School Board budget.

City Manager Stewart announced that because of some problems in the new computer software program the water billings have been delayed for several days.

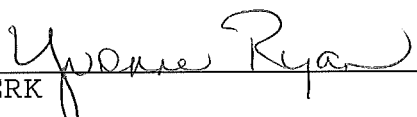
At 10:03 p.m. Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, Social Services Advisory Board and Harrisonburg Redevelopment and Housing Authority exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. Discussion and consideration of the acquisition of real property to be used for a public purpose exempt from public meeting requirements pursuant to Section 2.1-344(A) (3)

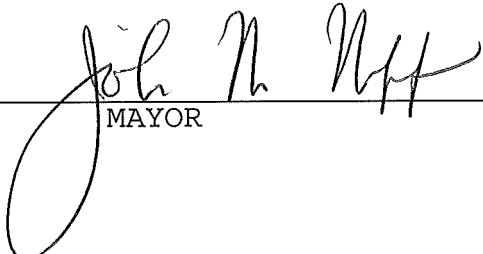
of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (7) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved in a unanimous recorded vote of Council.

At 10:29 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 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 Rogers offered a motion that Thomas Ed Sipe, 1360 Sparrow Court, be appointed to a first term on the Harrisonburg Planning Commission to expire on January 10, 1999. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 10:30 p.m, there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## REGULAR MEETING

JANUARY 24, 1995

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.

Vice-Mayor Dingledine delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

✓ Marvin Newman, D-Day Veteran, read and presented an appreciation plaque to the City of Harrisonburg. The plaque represents the meritorious and distinguished service in furthering the aims and ideals of the Veterans of Foreign Wars of the United States on D-Day 50th Anniversary of the Normandy Invasion, June 6, 1994.

City Manager Stewart introduced Gary McBride the City's first Personnel Director.

Vice-Mayor Dingledine offered a motion to approve the minutes as corrected on the consent agenda 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.

✓ Vincent Valenti, VDOT District Urban Engineer, presented a progress report on the West Market Street project. He said a study had determined that the existing pavement and base was not sufficient to carry the anticipated traffic on West Market Street without significant maintenance problems. He said property owners are notified of the changes when the department's right-of-way agent makes the contact with individuals. Property owners who will have to be re-located will be contacted first by the right-of-way agents. The department is presently looking at things that might be done to help alleviate the concerns of Mrs. Sandra Pennington and is willing to work with her as much as possible without sacrificing the integrity of the overall project. An office will be located on the corner of West Market Street and Academy Street, probably by the middle of February, to continue negotiations with property owners. Council Member Weaver expressed concern whether it had been miscalculated by raising the pavement because of the sight distance at the intersection of Willow Street and West Market Street. Mr. Valenti said when a decision was made to re-design the entire pavement the department standards required that certain sight distances must be met at intersections. VDOT's representatives expressed willingness to continue negotiations with property owners and other citizens affected by the project.

✓ Brian Shull, Executive Director of Rockingham Development Corporation, presented an updated report on RDC activities and information requested at the November 14 meeting. Mr. Shull announced that Walker Manufacturing is planning a new \$14 million dollar distribution center to be located in Rockingham County, and that a technology company has opened a business in the former Sierra Stove building in Harrisonburg. Mr. Shull explained that in 1994 there were several plant expansions in Harrisonburg and Rockingham County which created 240 jobs. The development of a shell building between 50,000-60,000 square feet could be offered as an incentive for prospective investors, to strengthen the inventory and aid the community's attraction efforts, as RDC does not have any building over 26,500 square feet to market at the present time. He suggested the Mount Clinton area, the "Rockingham Farm" in the Pleasant Valley area and Acorn Development Park as possible sites for a shell building. He outlined RDC's marketing plan to focus its attempts to attract industry to the area. The RDC's marketing plan will strive to focus on the growth industries of plastics, automotive parts, office operations, and medical instruments and pharmaceutical. Rockingham Development Corporation plans to use a more aggressive outreach effort, direct mail and some advertising in trade journals.

✓ Planning and Community Development Director Turner explained that since the last Council meeting several ideas have been discussed concerning applying for the ISTEA Grant to construct bicycle and pedestrian facilities on Port Republic Road. She said it was agreed that a joint application with the Harrisonburg Redevelopment and Housing Authority would be tying two unrelated projects and may impede the chances of either one being funded. The possibility of changing the Port Republic Road project from bike and pedestrian facilities along the road to facilities from the parking lot of Ashby Crossing to Village Lane is a feasible change and in fact there is already a foot path in this location. This would accommodate the Ashby Crossing and the Commons students, but it could not be expected that the Hunter's Ridge or Squire Hill students would use the facility. Another factor to consider is the maintenance of Village Lane, as Village Lane is a privately owned and maintained street and does not meet City standards. The street would have several conflicts such as snow removal, trash pick-up and unavailable VDOT maintenance funds. There are also safety concerns with placing bicyclists and pedestrians on a street where cars back directly into traffic lanes. City Manager Stewart stated that Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, has requested that Council endorse an application for the ISTEA museum project. The endorsement does not obligate the City to provide additional matching funds or revenue for operating costs of the museum. Following further discussion and comments, Council Member Weaver offered a motion to approve the application for the City's ISTEA grant, and recommended further study of the project. The motion died for lack of a second. Council Member Lantz stated that he was not opposed to the bicycle and pedestrian lanes, but he is not convinced that Council is going about it in the right way. Vice-

Mayor Dingledine offered a motion to endorse the application for the ISTEAM museum project with the understanding that it will not obligate the City to provide additional matching funds or revenue for operating costs of the museum. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart explained that until River City Yellow Cab Company has established an office in the City a certificate of public convenience and necessity cannot be issued. Council Member Weaver offered a motion to table this item until the February 14th meeting giving the owners an opportunity to locate an office in the City. 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 January 18, 1995.

"....Chairman Wassum read the request for Preliminary Subdivision Plat approval, Woodland Subdivision, Section 2 and asked Ms. Turner to review the request.

Ms. Turner referred to a tax map to describe the location of the request. She said it was part of a 22 acre tract and is zoned R-3, "Multiple Dwelling District". Section 1 on the subdivision is developed with duplexes and contains 30 dwelling units. The 5.76 acres in Section 2, is proposed to be divided into 25 single family lots. The owner plans to deed restrict the development of these lots to single family detached units only. Single family lots in the R-3 zoning classification must contain a minimum lot area of 6,000 square feet. All proposed lots meet this minimum area requirement.

The proposed development of Section 2 shows the continuation of Woodland Drive to a permanent cul-de-sac, and the development of an additional cul-de-sac on the east side of Woodland Drive. In the letter of request submitted with the preliminary plat there were several variances requested. After working with Mr. Dick Blackwell, there have been some changes in the request for variances. The first variance requested was that the proposed Scarlet Oak Court, east of Woodland Drive, be permitted to have a 50.5 foot right-of-way, as opposed to the 55 standard requirement. This is no longer necessary because Mr. Blackwell has rearranged the lot configurations in order to get the same number of lots around the cul-de-sac, and still have the 55 foot radius. There was some question as to whether lot F16 had the required 100 foot lot depth. After discussing this with the Zoning Administrator, staff feels that the "average" lot depth for F16 is 100 feet, therefore meeting the intent of the zoning regulations.

The second variance requested was to install narrower sidewalks, with a 2 foot utility strip between the sidewalk and the back of the curb. The city (and VDOT) standard width for sidewalks is 5 feet. Blackwell Engineering proposes a 4 foot wide sidewalk with the 2 foot separation. Reasons given for requesting this variance are that the existing subdivision has no walks and that a 5 foot wide sidewalk would be "excessive and appear out of balance with the smaller size homes to be built on these lots. Staff recommends the requirement of the 5 foot wide sidewalk as two people walking side by side, or passing from opposite directions, need the 5 foot width. In the staff report, it was stated that the two foot utility strip is not desirable as it places utility poles directly behind the curb and in the street's "clear zone", needed to maintain safety. Since writing the staff report, we

have spoken with VDOT they have indicated that in a residential subdivision such as this, especially cul-de-sacs with low traffic volumes, they do not have a problem with maintaining the clear zone quite as strictly as with a more traveled street. Staff has changed their recommendation on the utility easement and does not recommend against the 2 foot utility strip but do feel strongly about maintaining a 5 foot sidewalk width.

The final variance requested with this subdivision is a variance to the required pavement thickness. The City Design and Construction Standards Manual requires local streets, such as the ones proposed, to have 6 inches of stone base, an intermediate level of base asphaltic concrete 3 inches thick and a top layer of asphaltic concrete 1 3/4 inches thick. Blackwell Engineering maintains that because of low traffic volumes in cul-de-sacs, the pavement thickness should be reduced. They are proposing that the pavement thickness be based on the average number of vehicle trips per day generated by a single family development and the California Bearing Ratio (CBR) value of the supporting soils. The proposed pavement thickness would not be less than 8 inches of base stone and 2 inches of the top coat of asphaltic concrete. Our Design and Construction Standards Manual already allows for a lower standard if the CBR justifies a change. Although cul-de-sacs such as the ones proposed may have a lower vehicle per day traffic volume, the average vehicle is not the problem in the design of local streets. Trucks and buses stress the pavement more than passenger cars. During initial home construction, the building supply trucks stress the pavement more than seven years of average daily vehicles. The City standard is based on the experience of the City with maintenance of streets more than on the expected traffic volumes.

Ms. Turner concluded by saying that because of the variances requested, the preliminary subdivision is not recommended for approval.

Mr. Dick Blackwell, representing Mr. Jerry Scripture, said that at this point we are looking at 5 different house models with 3 having garages and at least 4 models fitting all of the lots with 1 model needing a deeper lot. He said that this subdivision will have small lots with small homes and that there is a need in the City for houses of this size, (1,300-1,700 square feet). The price ranges would be from \$100,000-\$120,000. The sidewalk variance request is an effort to keep the housing prices down and because we feel that they really aren't going to be used. The sidewalk will go up to the cul-de-sac, allowing only 5 houses to front it. The other 20 houses will not have access to it without crossing the street. He said that he did feel that the 2 foot utility strip between the sidewalk and the back of the curb was a good plan.

The variance that involves the pavement is also an effort to keep cost down (\$600 per lot). We feel that without the heavy traffic on the cul-de-sacs, 8 inches of stone and 2 inches of asphalt is an acceptable base. We are asking approval of something that is already existing in the first section of Woodland and has lasted 5 years.

Chairman Wassum asked if there were any questions for Mr. Blackwell.

Dr. Beasley said that there were no sidewalks on Woodland Drive and felt that sidewalks were not necessary for this area and this particular situation and referred to Myers Avenue as an example. Ms. Turner explained that this was different from Myers Avenue because Myers Avenue was the last piece of developable land in an area already developed. Woodland still has an adjacent tract that is undeveloped. I would expect in the future, they or another developer, would plan to develop that and if sidewalks are not required in this section, it will

be hard to require them in the next section. Parklawn Subdivision was similar and sidewalks were required in the new sections.

There was discussion regarding other future street connections.

Mr. Homan stated that he felt that the standards in the Design and Construction Standards Manual have been adopted and he saw no reason to change them.

Mr. Jerry Scripture, owner of the property, said that there is not a good mechanism for when you run into a standard which appears not to bear relationship to engineering realities or the standards upon which the standards are derived. How do you get to what's necessary for the real world and what's necessary for cost containment and at the same time serve the City's objectives. We bring these variances up only because it seems logical to do things in the logical way to serve this neighborhood.

Discussion included different degrees of pavement and the cost effect of each as well as whether the required standard for pavement was necessary for this particular area. It was also discussed whether the Commission should allow for flexibility or if the standard should be changed.

Mr. Cook asked to put in the record that since all of these lots are small, inevitably someone will want to build a house that will be too big for these small lots. For the record, the developer was told at the time of the subdivision, that staff would not support variances.

The Commissioners expressed concern about going against the standards set forth within the Design and Construction Standards Manual and asked about the possibilities of revising or changing standards. There was discussion regarding that process. It was agreed that there were no problems with this subdivisions basic plan, only with the variances. The developer was asked if time was such a concern that the variances could not be requested later. Mr. Scripture agreed to withdraw the variances for sidewalks and pavement thickness and deal with it from the staff and Council level. The remaining variance request would be a 2 foot utility strip between the sidewalk and the back of the curb. It was understood that a request for changing the standards would be made by Mr. Blackwell and reviewed expediently by staff.

Mr. Homan moved for approval of the Preliminary Plat and the remaining variance of a 2 foot utility strip between the sidewalk and the back of the curb. Mr. Neff seconded. Mr. Ed Sipe disqualified himself. All others voted aye...."

Respectfully submitted,

Stacy Turner  
Planning Director

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this was a variance request to allow a two (2) foot utility strip between the sidewalk and the back of the curb for Woodland Subdivision. She said the developer had withdrawn the variances for sidewalks and pavement thickness and was only requesting this remaining variance which would be a two (2) foot utility strip between the sidewalk and the back of the curb. She said the Planning Commission recommends approval of the request. Council Member Weaver 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 January 18, 1995.

"....Chairman Wassum read the request for final plat approval of Vern D. Michael Subdivision, Lot 8, 5.487 acres, and asked the City Planner to review the request.

Ms. Turner explained that this property was located on Pleasant Valley Road and is zoned M-1 "General Industrial District". The request is to create two lots, one consisting of 0.925 acres and one consisting of 4.562 acres, from the existing 5.487 acre lot. The property is developed with an industrial use and the purpose of the subdivision is to place this use on one lot and create another lot for future use. Ms. Turner referred to the plat presented and explained that there is a joint ingress/egress easement down the middle of the lot where the current entrance is located. The current plan is, whatever the two uses are, they would share this entrance. However, there is enough width on both lots that if they desire separate entrances in the future, that would be possible. The request meets all zoning district regulations. A bond to ensure completion of curb and gutter and a deceleration lane has been posted and easements and deed of easement changes have been made. Therefore, this request is recommended for approval as presented.

Mr. Neff moved for approval. Mr. Homan seconded. All voted aye...."

Respectfully submitted,

Stacy Turner  
Planning Director

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this property was located on Pleasant Valley Road and is zoned M-1 "General Industrial District". She said the request is to create two lots, one consisting of 0.925 acres and one consisting of 4.562 acres, from the existing 5.487 acre lot. The property is developed with an industrial use and the purpose of the subdivision is to place this use on one lot and create another lot for future use. The two proposed lots will share an entrance and there is enough width on both lots that if the lots desire to have separate entrances in the future that would be possible. The request meets all zoning district regulations and a bond to ensure completion of curb and gutter and a deceleration lane has been posted and easements and deed of easement changes have been made. The Planning Commission is recommending approval of this subdivision. Council Member Rogers offered a motion to approve the request as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented the Planning Commission's 1994 Annual Report. The report summarizes Planning Commission's activities for the year. Vice-Mayor Dingledine 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.

City Manager Stewart presented a request from the Parks and Recreation Department to consider endorsing an application for a Small Business Administration Grant to plant approximately 150 trees at Eastover tennis courts, Kiwanis Park, Morrison Park, Ralph Sampson Park and areas around the new maintenance shop and possibly area around softball field at Hillandale. The grant is for \$10,000 which would include 55% from Federal/State funds with 45% being local match, but the local match will be in-kind services. The City will be responsible for watering, mulching, pruning, etc. Council Member Rogers offered a motion to approve the grant application. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart explained that each local government is requested to provide financial support for the newly developed Institute of Government. This Institute has been strongly supported by VML and the Virginia Local Government Management Association. The Institute provides training and research for local government officials both elected and appointed. The City's share would be \$750.00 for the balance of this fiscal year and \$1,500.00 for fiscal year 1995-96. Council Member Weaver offered a motion to support the Virginia Institute of Government. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented an updated report on the damage to the Municipal Building. It appears that the City's insurance carrier will be responsible for funding the repairs. After several discussions with the City's adjusters the two wood columns destroyed will be replaced with wood columns. This will also include repairing the cannon and the landscaping. It has not been determined whether the other two columns that were damaged in the accident will be replaced. A final report will be presented at the next meeting.

City Manager Stewart presented the 1994 Retreat goals. It was decided to discuss these goals at the next meeting.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 16-8-51 of the Harrisonburg City Code. City Manager Stewart explained that this ordinance prohibits possession or consumption of alcoholic beverages on public property. Council Member Rogers offered a motion that section 16-8-51 be approved for a first reading. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

Vice-Mayor Dingledine questioned whether dogs could run at large or must be on a leash and what department should citizens contact concerning the leash law. City Manager Stewart said dogs must be on a leash when off private property and that citizens should contact the police department.

Council Member Weaver mentioned she has received several

compliments concerning the deer program in the City.

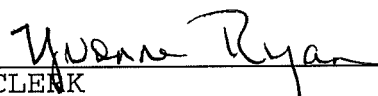
City Manager Stewart announced that a work session with the Committee for Downtown will be held on February 21, at 7:30 p.m. in the conference room on the second floor of the municipal building.

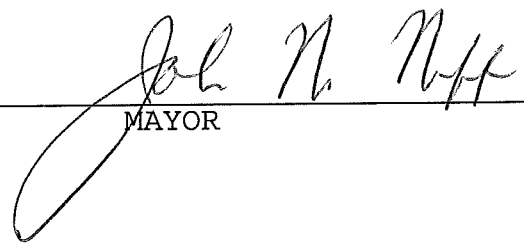
At 9:27 p.m. Vice-Mayor Dingleline offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, Social Services Advisory Board, Blue Ridge Disability Services Board, Harrisonburg 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 consideration of the disposition of real property, 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 9:45 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.

Vice-Mayor Dingleline offered a motion that Ben Melton, 241 Paul Street, be appointed to a first term on the Blue Ridge Disability Services Board to expire on February 1, 1998. The motion was seconded by Council Member Rogers, 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

FEBRUARY 14, 1995

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.; Council Members Hugh J. Lantz, Larry M. Rogers and Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Vice-Mayor Emily R. Dingledine.

Council Member Lantz delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the items on the consent agenda including approval of the minutes and the second reading of ordinance amending and re-enacting Section 16-8-51 of the Harrisonburg City Code. The motion was seconded by Council Member Lantz, and approved with a unanimous recorded vote of Council Members present.

At 7:38 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, January 27, and Friday, February 3, 1995.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 14, 1995, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

1. Request of R.S. Monger & Sons & J.M. Apartments to rezone approximately .321 acres, the rear portions of lots 12, 13 and 14, which are located on the east side of Old South High Street, from R-2 "Residential District" to M-1 "General Industrial District." The M-1 district is intended primarily for manufacturing, processing, storage and distribution activities which are not properly associated with, nor compatible with, residential and institutional development. The Comprehensive Plan recommendation for this property is "Light Industrial". The "Light Industrial" land use category is described as acres 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. This property is located at 304, 308, and 314 Old South High Street and is shown as a portion of lots 12, 13 and 14, Block H. Sheet 25 on Harrisonburg Block Maps.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

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 and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this request was from R.S. Monger & Sons and J.M. Apartments to rezone the Southeastern portion, approximately 13,987 square feet of lots 12, 13, and 14 on the east side of Old South High Street from R-2 "Residential District" to M-1 "General Industrial District". She said the request involves the rear portions of three lots, each of which contains a residential building. The Mongers, who own the property, have requested the rezoning for expansion of their lumber yard. After the request was denied in September, 1993, the Mongers requested and obtained a change to the Comprehensive Plan's land use guide recommendation for this property. In the summer of 1994 the Comprehensive Plan was changed to reflect a light industrial use of this area as opposed to the neighborhood residential use that it had previously been. The three lots in question are lots 12, 13 and 14 each of which contains residential structures. Lot 12 contains approximately 5,817 square feet of which 2,803 square feet is requested to be rezoned to M-1 General Industrial and it contains a single family dwelling. Lot 13 contains approximately 9,991 square feet of which 5,601 square feet is requested to be rezoned to M-1 and it contains a two family dwelling. Lot 14 contains approximately 9,635 square feet of which 5,583 square feet is requested to be rezoned to M-1 and it contains a single family dwelling. The R-2 zoning classification requires a minimum lot size of 7,000 square feet for a single family dwelling and 11,000 square feet for a two family dwelling. Currently only one lot, lot 14 meets the minimum area requirement for the present usage. The property is in the flood-plain and contains certain use restrictions beyond the normal zoning considerations. She said for these reasons, Planning Commission is not recommending approval. Mayor Neff called on anyone present desiring to speak either for or against this rezoning request.

Jim Monger, owner of the property, said that Old South High Street from Bruce Street to 314 Old South High Street is presently owned by the Mongers. The Monger family would like to extend the lumber yard at some time. The flood-plain is a problem but they will take care of any City regulations. He said heavy equipment traffic will not increase and a fence around the property will be installed. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the rezoning request. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present. Council Member Weaver stated that she is supporting this rezoning request because it is a third generation business which should be allowed to expand and it is for the good of the community.

At 7:48 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, January 27, and Friday, February 3, 1995.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 14, 1995, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

2. Request of Stephen T. Heitz, representing Shenandoah Telephone Company, to amend Section 10-3-78 of the Harrisonburg City Code to add the following permitted use:

9) Telecommunications equipment and facilities provided such equipment and facilities are located in an enclosed structure.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

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 and Community Development Director Turner explained that this request was from Stephen T. Heitz, representing Shenandoah Telephone Company, to amend Section 10-3-78 of the Harrisonburg City Code. She said that the original request was to add to the "Central Business District" zoning classification, the same types of public uses that are allowed in the B-2 "General Business District" zone. Mr. Steven Heitz sent a letter dated December 16, 1994 requesting to amend the proposed wording of paragraph 9 as follows:

9) Telecommunications equipment and facilities provided such equipment and facilities are located in an enclosed structure.

The amendment addressed some concerns with the previous request and Planning Commission recommends approval. Willie Pirtle, Vice-President of Shenandoah Telephone Company, stated that Shenandoah Telephone Company is basically the long distance carrier for the long distance service providers for the Harrisonburg area. Those facilities are located in the GTE building on Newman Avenue. GTE has decided to terminate that lease and there is a need for another location. Arrangements have been made in regards to leasing options with S.B. Hoover for a portion of the old gas station next to the GTE facility. The property was zoned B-1 and telecommunications was not permitted. 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 that this rezoning request be approved for a first reading. The motion was seconded by Council Member Lantz, and approved with unanimous recorded vote of Council Members present.

At 7:54 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, February 4, and Saturday, February 11, 1995.

The Harrisonburg City Council will hold a public hearing on Tuesday, February 14, 1995 at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider an application to vacate a twenty (20) foot wide parcel of land adjacent to an alley located between Ott Street and Monticello Avenue, in the City of Harrisonburg:

A request of Kevin G. Miller and O. Van Pence, II to vacate a twenty (20) foot strip of land that is located between 444 Ott Street and 411 Monticello Avenue and the fifteen (15) foot wide alley connecting Ott Street and Monticello Avenue, in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of a plat showing the portion of the land adjoining the 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 and Community Development Director Turner explained that this request was turned in as two separate requests but it was reviewed as one since it involves the same general area. She said that Kevin Miller and O. Van Pence are requesting to vacate a 20 foot parcel of land owned by the City adjacent to their residences at 411 Monticello Avenue and 444 Ott Street. Their request state that the area is currently being used as portions of their yards. Additionally, gaining this land would provide them more advantageous setbacks if they ever desired to add to their homes. Ms. Turner said that refuse trucks do use the adjacent alley and that consideration should be given to this in any future landscaping of the area. She said Planning Commission recommends approval of the request. Mayor Neff called on anyone present desiring to speak either for or against this rezoning request. O. Van Pence, property owner, stated that the water line will be taken care of and the alley will remain open. David Hatmaker stated that he would prefer that the request be approved. There being no others 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 for a first reading to close the alley providing that the property owners locate the water line. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

Denise Self explained that in March, 1994 her family received a water and sewer bill for 148,000 gallons of water for approximately \$700.00. She contacted the water and sewer department believing a mistake had been made in the billing. After speaking with the department supervisor it was agreed that her water meter should be pulled and returned to the manufacturer for a malfunction or defects. In August, 1994 she was informed that the water meter was in perfect working order and that the bill should be paid. Public Utilities Director Collins said that the department has reviewed Ms. Self's concerns and can find no justification to make any adjustment based on the requirement of the Harrisonburg City Code. Following further discussion and comments, it was decided that Staff should review the policy and present Council with a recommendation on a fair way of dealing with this issue.

City Manager Stewart explained that the John D. Eiland Company has requested sponsoring a downtown concert series in Harrisonburg during the summer of 1995. The concert series has been endorsed by the Downtown Committee, but the committee has stipulated that the John D. Eiland Company work with Citizens for Downtown to avoid conflict with the First Friday program held in downtown. Council Member Rogers offered a motion to approve the concert series. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

City Manager Stewart explained that River City Yellow Cab Company is still in the process of establishing an office in the City. Mr. Stewart said the company does have a radio license and is advertising for drivers. Council Member Weaver offered a motion to table this item until the February 28th meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart announced that the City's Water Plant has received a Waterworks Operation Permit of 8 gallons per minute per square foot filtration rate and is the only Water Treatment Plant in the State of Virginia to receive this recognition. Public Utilities Director Collins said that in 1971 the City of Harrisonburg constructed a water treatment plant for \$983,000 that treats 5 million gallons per day of water. This plant, and other improvements to the Harrisonburg water system, are the culmination of years of a search for sources of water of suitable quality and availability; studies and investigations of water requirements; and design and construction of facilities. Today the same facility provides the City with 10 million gallons per day of water to take care of the growth through the year 2007-2010. The City has three water sources Rawley Springs, Silver Lake, and the North River

which supply water to the citizens of Harrisonburg. Mayor Neff expressed his and Council's appreciation to Marvin Armstrong and the staff at the Water Treatment Plant for their commitment and dedication in providing this service to the citizens of Harrisonburg. Council Member Lantz questioned whether individual citizens could tour the facility, because in touring the facility as a new Council Member he was impressed with the cleanliness of the facility.

City Manager Stewart announced that five proposals were received on the golf course feasibility study. The bidders were Deloitte & Touche, P.K.F. Consulting, Rossi Associates, Golf Investment Advisers, and National Golf Foundation. Mayor Neff suggested a committee consisting of Lakey Logan, a designated staff person by Ms. Logan, Steven Stewart, Roger Baker, Emily Dingleline, and Hugh Lantz to recommend a bidder for the municipal golf course study and present a report to City Council on March 14. Council Member Rogers offered a motion to form a feasibility study group as suggested. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

City Manager Stewart explained that at the present time the City does not have a major problem with the deer population. It has been suggested that a task force be created to study the situation and make some recommendations for the future. Council Member Lantz offered a motion that a task force be formed to study the issue and make any recommendation of potential problems in the future. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart explained that at the last council meeting Brian Shull had presented an updated report on RDC activities and had provided information on the development of a shell building. Mr. Stewart said staff needs direction concerning the possibility of constructing a shell building. Following further discussion and comments, Council decided to take RDC's recommendation into consideration and for staff and RDC to continue looking at the possibility of constructing a shell building in the future.

Council Member Rogers presented a report on his liaison work with the Visitors and Convention Bureau. He stated that tourism is very important to Harrisonburg and Rockingham County which has several of the top ten tourist destinations in Virginia including the Shenandoah Valley, the Blue Ridge Mountains and Skyline Drive. Harrisonburg is within 500 miles of more than one-half of the total population in the United States. He said more information will be provided at a later date.

City Manager Stewart presented an updated report on the damage to the Municipal Building. The City's share is expected to be about \$20,000 of the total \$74,605 repair cost. The City's insurance is expected to pay for the rest of the repairs to the building, including damage to the roof above the columns. The

City's share of the repair damage will come from a reserve for contingencies fund. Building Inspector Baldwin recommended that all four wooden columns be replaced. Council Member Lantz offered a motion to replace all four wooden columns in the building's front. 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 the Social Services Department for approval of a supplemental appropriation in the amount of \$230,000 to increase the budget since expenditures are projected to exceed the original budget. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$106,766 chge. to: 1112-31010 Amount from fund balance  
 \$123,234 chge. to: 1112-32414 Comprehensive Service Act

\$230,000 approp. to: 1112-531051-45722 Private Residential

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

City Manager Stewart presented a request for approval of a supplemental appropriation for the Garbers Church contract. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$39,712.61 chge. to: 1310-31906 Reimbursement to Street  
 Construction

\$39,712.61 approp. to: 1310-910141-48602 Garber's Church Road  
 Project

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

Council Member Rogers requested that Steve Stewart and Bill O'Brien arrange an informational meeting for tourism with Ruth Deskins and a state representative.

City Manager Stewart reminded everyone that a work session with the Committee for Downtown will be held on February 21, at 7:30 p.m. in the conference room on the second floor of the municipal building.

At 9:43 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, Social Services Advisory Board, Harrisonburg Redevelopment and Housing Authority, and Shenandoah Valley Airport Commission 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 a proposed contract and agreement, requiring the provision of legal advice by the City

Attorney, and 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. The motion was seconded by Council Member Rogers, and approved in a unanimous recorded vote of Council Members present.

At 11:09 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 Rogers offered a motion that Joe Bowman, 1155 Rockingham Drive, be appointed to a third term on the Shenandoah Valley Airport Commission to expire on January 28, 1998. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

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

  
CLERK

  
MAYOR

## REGULAR MEETING

FEBRUARY 28, 1995

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 Fairweather. Absent: Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the items on the consent agenda including approval of the minutes and the second reading of ordinance amending and re-enacting Section 10-3-78 of the Harrisonburg City Code. The motion also included the second reading of the supplemental appropriation for Social Services, and Garbers Church Road, and referring the rezoning request of Daniel W. Brubaker and closing an alley adjacent to 600 Franklin Street to the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

Ruth Deskins, Manager of Harrisonburg-Rockingham Convention & Visitors Bureau, stated that the bureau is requesting a resolution in support of a sister city relationship with Cambridge, Ontario, Canada. She said tourism is a significant catalyst for economic development in Harrisonburg and international tourism is becoming increasingly important to the growth of tourism in Virginia. The Harrisonburg-Rockingham Convention & Visitors Bureau has been exploring different ways to penetrate the Canadian market as 71% of the international visitors that travel to Virginia come from Canada. Cambridge has some very striking similarities including an Old Order Mennonite population, a Canadian Walker Manufacturing Plant and both cities host the County Fair. A Sister City relationship with Cambridge, Ontario, will allow Harrisonburg to encourage reciprocal visitation, enhance cultural understanding, and stimulate economic development through tourism. Rockingham County endorsed the resolution on February 23, 1995. Vice-Mayor Dingledine offered a motion to support the resolution for a sister city relationship with Cambridge, Ontario, Canada. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Ken Poore, representative of K.W. Poore and Associates, presented a report on the Bruce Street Community Development Block Grant application. A public hearing will be held on March 14, 1995 to solicit public input on the proposed Community Development Block Grant (CDBG) application. Mr. Poore said that his firm is under contract with the Harrisonburg Redevelopment and Housing Authority, which is assisting the City of Harrisonburg in a planning study

funded under the Community Development Block Grant program by the Virginia Department of Housing and Community Development. The Bruce Street Comprehensive Community Development project includes Bruce Street, Market Street between High Street and Brook Street residential neighborhoods. The state annually receives approximately 24-26 million dollars which is available to small communities in the commonwealth on a competitive basis. He said the Bruce Street Community has sub-standard housing, alley and parking problems, deteriorating curbs, sidewalks and gutters, plus serious drainage problems. Residents have complained about the reduction of home ownership within the neighborhood and the conversion more to rental properties. Several yards have accumulated debris, abandoned vehicles and dilapidated sheds. The proposed program will include improvements to curbs, sidewalks and gutter deficiencies, street resurfacing, and alley and storm drainage improvements. It was generally concluded that water and sewer service to the area met the community standards. He said several owners have expressed an interest in the program and their units are suitable for rehabilitation. This redevelopment would go a long way in cleaning up the debris and blight removal, removing of sub-standard housing, and providing the housing authority an opportunity to build new units for sale to low and moderate income families.

City Manager Stewart presented a request from Dan Brubaker for water and sewer connection to property that is located primarily in Rockingham County. He said this property is taxed only by Rockingham County and providing water and sewer service to this property would violate the City's moratorium on new water and sewer services outside the City. Dick Blackwell, representing Mr. Dan Brubaker stated that the Covenant Presbyterian Church is interested in building on this property. He said the property basically meets the intent of the moratorium and he would like for Council to consider this request. Council Member Weaver offered a motion to refer this item to the Harrisonburg-Rockingham Liaison Committee for further discussion. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request of David J. Hatmaker, attorney for Tim Lacey, to vacate Cambridge Place subdivision, located at the end of Myers Avenue, site of the proposed Myers Estates Subdivision. She said that the establishment of Myers Estates was already a platted subdivision prior to Harrisonburg Ventures, Inc., and Mr. Lacey's involvement with the Myers Estates Subdivision. Myers Estates Subdivision has already received preliminary approval. Mr. Hatmaker felt like it should be noted on the subdivision plat and also should have a separate document legally facilitating that subdivision. Planning Commission has recommend approval of the final subdivision plat. Vice-Mayor Dingleline 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 February 17, 1995.

"...Chairman Wassum read the request for Final Plat approval of Myers Estates Subdivision, and asked the City Planner to review the request.

Ms. Turner explained Myers Estates is located between the end of the existing Myers Avenue and Cantrell Avenue. Property as shown went through the preliminary plat approval process, at that time there were some variances given to street widths. VDOT has indicated verbally that they will be accepting this street into the State Maintenance System to receive maintenance funding, although written confirmation has not been received.

Ms. Turner referred to some plat changes made on the final plat and that Mr. Lacey had brought in some additional notes. These notes are a bit more descriptive and will be substituted for the notes on the final plat. There are no problems with this substitution, and the substitution will be made on the plat before it is conveyed to City Council.

Mr. Lacey has already obtained a Letter of Credit, so there are no problems with this request, therefore this request is recommended for approval as presented..."

Ms. Whitten moved for approval. Mr. Neff seconded. All voted aye.

Respectfully submitted,

Stacy Turner  
City Planner

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this was for final approval of Myers Estates Subdivision. She explained that Myers Estates is located between the end of existing Myers Avenue and Cantrell Avenue. The property has been through the preliminary plat approval process including posting the bond. The Planning Commission is recommending approval of this subdivision. Council Member Lantz offered a motion to approve the request 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 February 17, 1995.

"...Chairman Wassum read the request for Final Plat approval of Bluestone Hills, Lot 63, Section 3-revised, and asked the City Planner to review the request.

Ms. Turner explained that Lot 63 is a lot in Bluestone Hills adjacent to the water tank lot owned by the City. This subdivision will convey about 6,224 square feet to the City of Harrisonburg property creating an access utility easement to access that property. Staff has already worked out a maintenance agreement for this access easement, between the property owner/future property owner and the City of Harrisonburg. There was no problems with the request. Therefore, this request is recommended for approval as presented..."

Mr. Neff moved for approval. Ms. Whitten seconded. All voted aye.

Respectfully submitted,

Stacy Turner  
City Planner

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this request was for final subdivision, Re-subdivision of Lot 63, Section 3-Revised, Blue Stone Hills Subdivision. She explained that Lot 63 is a lot in Bluestone Hills adjacent to the water tank lot owned by the City. This subdivision will convey about 6,224 square feet to the City of Harrisonburg's property, creating an access utility easement to access that property. The details for a maintenance agreement has been worked out and Planning Commission is recommending approval of this subdivision. Council Member Rogers 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.

Planning and Community Development Director Turner introduced a proposal to consider funding the installation of bike lanes on University Boulevard from Reservoir Street west to the boundary of property owned by James Madison University, to tie into improvements planned as part of the College for Integrated Science and Technology. She said that JMU has indicated that it is willing to install both bike lanes and sidewalks along its frontage, but needed to know whether these improvements would be extended past the boundary of its property. Also, Bill Neff has turned in plans for improvements to University Boulevard and Reservoir Street along the frontage of his property, adjacent to JMU. These plans do not show the installation of bike lanes. She said portions of University Boulevard has already been developed, but there is not sufficient right-of-way for both bike lanes and sidewalks. After meeting with JMU's officials, one option suggested adding four foot wide pavement in each direction on University Boulevard to Reservoir at a cost of between \$41,000 and \$58,000. Another suggested option would be making the outside travel lanes in each direction wider by one additional foot. The cost of providing this additional pavement would be approximately \$9,000 including signage. Following further discussion and comments, Council Member Weaver offered a motion to take \$9,000 out of the appropriated \$25,000 Port Republic Road bike project and put into this project. The motion was seconded by Council Member Rogers, but was defeated with Council Members Weaver and Rogers voting yes and Mayor Neff, Vice-Mayor Dingledine and Council Member Lantz voting no.

Vice-Mayor Dingledine offered a motion granting Virginia Poultry Federation's request to display across South Main Street within the Central Business District, a banner from May 8 through May 22, 1995. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart explained that the Retail Merchants Association is requesting closing the shoulders of Court Square on

May 20 for an Arts and Craft show. This is also the same day of the Poultry Parade. The street will be closed from 6:30 a.m. until 5:00 p.m. Council Member Weaver offered a motion to close a portion of Court Square on May 20. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

✓ Recreation Director Logan presented a report on considering a task force to study the deer population. She suggested that a task force consisting of 5-7 citizens should be formed with members not representing any group. These persons should be selected one from each of the four voting precincts with two at large, one either City staff or an elected official. The Chairman should be appointed by the City Manager instead of elected by the group. Anyone wanting to serve on the task force should write a statement stating why they want to serve on the task force and how much they know about deer. She said the group should present their recommendations to City Council in six months. David Kocka, Department of Game and Inland Fisheries, has agreed to act as technical advisor and facilitator for the task force. He could arrange for a task force from Williamsburg to visit the group. It is suggested that in late summer and fall taking some of the deer for additional information concerning the health of the herd and breeding information. Council Member Weaver offered a motion to form a task force as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council. The same procedure as advertising for boards and commissions will be used for the task force.

✓ Finance Director Seal presented the Financial Trend Monitoring System. This edition adds financial information for fiscal year 1994 and drops fiscal year 1989. Each year this report will be updated to reflect the most recent five year history. Overall the City is in good financial condition.

✓ Finance Director Seal presented the Financial Management Policies which is a direct outgrowth of the Financial Trend Monitoring System report. The primary objective of establishing financial management policies is to provide a framework within which sound financial decisions may be made for the long term betterment and stability of the City. This financial policy will provide guidelines and goals to guide the financial practices of the City. Council Member Lantz offered a motion to adopt the Financial Management Policies. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Personnel Director McBride reviewed the modifications to Sections 2.19, 3.7, and 5.9 and the addition of Sections 9.13 and 9.14 in the City of Harrisonburg Personnel Policy Manual. He said the revised adopted Mission Statement will be included in the policy manual. In Section 2.19 the statement including crimes involving moral turpitude was added as language recommended by the City Attorney. The next modification is in Section 3.7 which is overtime and compensatory time consist of changing the text **day** to

**week.** The text **week** is the standard compensation as defined by the Fair Labor Standards Act. The next change text is **fiscal** to **calendar** year which will bring the personnel policy in line with the City's leave year. In Section 5.9 Emergency and Inclement Weather some new language has been written for clarification to make it easier to understand. Section 9.13 is a new section which adds job classifications which are exempt from the provisions of the Fair Labor Standards Act. Section 9.14 On Call and Stand By Pay defines that on call and standby are policies and procedures that will be established by the City Manager. Vice-Mayor Dingledine offered a motion to approve the changes in the personnel policy 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 City Treasurer Miller for approval of a supplemental appropriation in the amount of \$2,347.85 to increase the Treasurer's budget for temporary help. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$2,347.85 chge. to: 1000-31901 Recoveries and Rebates

\$2,181.00 approp. to: 1000-121313-41030 Part-time salaries  
and wages

166.85 approp. to: FICA

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

Council Member Rogers expressed his concerns about the General Assembly passing a law which makes it easier for citizens over 21 to possess a weapon. He said as the City had passed an ordinance which prohibits possession or consumption of alcoholic beverages on public property, it is easier to stand in front of someone's home with a weapon than to possess an alcoholic beverage. Mayor Neff requested that this concern be expressed in a letter to the General Assembly. Council agreed they would all sign the letter.

Council Member Weaver mentioned that the Bruce Street neighborhood is very concerned about the speeding traffic going to the high school. The neighborhood has requested some unmarked surveillance in the area.

Council Member Weaver expressed concern whether the zoning codes would be followed if the house that caught on fire on West Market Street is rehabilitated.

City Manager Stewart reminded everyone that a budget meeting with the School Board will be held on March 1, at 7:00 p.m. in the forum at the high school.

City Manager Stewart explained that he is still working with the River City Yellow Cab Company on establishing an office in the City.

Council Member Rogers offered a motion to appoint Council Member Weaver as the City of Harrisonburg's official emissary during her upcoming visit to Peterhof, Russia, the City of Harrisonburg's sister City. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

At 9:28 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 Industrial Development Authority, Social Services Advisory Board, Harrisonburg Redevelopment and Housing Authority, and recommendation for Board of Zoning Appeals exempt from the public meeting requirements pursuant to Section 2.1-344(A) (1) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved in 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.

Council Member Rogers offered a motion that Michael G. Wong, 447 Northfield Court, be appointed to fill the unexpired term of Janice Abbott on the Harrisonburg Redevelopment & Housing Authority to expire on November 29, 1996. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Vice-Mayor Dingleline offered a motion that Howard E. Bierle, 1104 Ridgewood Drive, be appointed to a second term on the Industrial Development Authority to expire on April 24, 1999. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that Daniel E. Stark, 1211 Windsor Road, be recommended for appointment to a first term on the Board of Zoning Appeals to expire on March 20, 2000. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

At 10:00 p.m., Council recessed the meeting to be reconvened on Wednesday, March 1, 1994 at 7:00 p.m. at the Harrisonburg High School Forum for a work session with the School Board.

The meeting was called to order at 7:00 p.m., by Alvin Pettus, Chairman of the Harrisonburg School Board. Alan Hiner was called

on to present the 1995-96 School Division budget. After the presentation, a number of questions were asked by Council members. The meeting was adjourned at 8:37 p.m.

Yvonne Ryan  
CLERK

John N. Hoff  
MAYOR

## REGULAR MEETING

MARCH 14, 1995

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.

Council Member Weaver offered a motion to approve the items on the consent agenda including approval of the minutes and the second reading of a supplemental appropriation from the City's Treasurer. The motion also included referring the rezoning request of Richard Blackwell, agent for Bruce Forbes, owner, to the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

At 7:33 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 Tuesday, February 28, and Monday, March 6, 1995.

The City of Harrisonburg, Virginia will conduct a public hearing on Tuesday, March 14, 1995 at 7:30 p.m. during the regularly scheduled City Council meeting in City Council Chambers, 345 South Main Street, to solicit public input on the proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development for the comprehensive community development project located in the Bruce Street Neighborhood. Residents of the project area are encouraged to attend.

The draft CDBG application will be presented for comment with information on proposed beneficiaries including the number of low- and moderate-income residents benefiting and plans to minimize displacement. Citizens will be given the opportunity to comment on the City's past use of CDBG funds. Information on the proposed project is available by contacting the City of Harrisonburg's Planning Department at 434-7451.

Arrangements will be made to accommodate disabled citizens wishing to participate in the public hearing.

Ken Poore, representative of K.W. Poore and Associates, presented a brief report on a proposed application for a \$1.25 million dollar Comprehensive Community Development Block Grant from the Virginia Department of Housing and Community Development. He said a proposed program has been developed to provide safe,

sanitary and affordable housing in a suitable living environment for the citizens of the Bruce Street neighborhood. Some of the proposed assessments include the rehabilitation of owner/renter deteriorating housing, alley and parking improvements, storm drainage, streets, sidewalks, gutters, deteriorating curbs, and blight removal in the neighborhood. Mayor Neff called on anyone present desiring to speak either for or against this application for grant funding.

Pat Murphy, 306 West Water Street, said that Water Street and Bruce Street have parking problems, drainage problems, and several dilapidated sheds in the neighborhood. She is in favor of this project.

Joni Harrison, expressed her desire to work with the community and the neighborhood association. She said as this was a low-moderate income neighborhood this project would build self-esteem and make it a better neighborhood.

James Hogle, Jr. commented that if the replacement housing was owner-occupied it would make a big difference in the neighborhood.

Paul Rosen, 336 West Water Street, stated he was in favor of the project as long as it looks good in the end. There being no others desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve the resolution authorizing the City Manager to sign the application for the Community Development Block Grant. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Ben Fordney, representing Friends of Hillandale Park, appeared before Council to state that the group had formed to protect and preserve the park. The park has a natural habitat for wildlife, recreational facilities and open space. The group consists of concerned citizens who are interested in promoting increased use of the park for the entire community. The group supports increased police patrol and the employment of a park attendant. The park could be enhanced by musical concerts, additional sports facilities, family days, craft fairs, 5-K runs, bike trails, and wildlife education. The group opposes building an 18 hole golf course on the Hillandale site.

Debbie Harper stated that the purpose of forming the group was not to condemn any of the City's residents for desiring the proposed golf course for recreational purposes, but concerns for the preservation of the park. She said there are problems with the deer because of the development of Wyndham Woods and surrounding areas. The deer have been forced to invade flower gardens and shrubbery because of their dwindling habitat food source. Many groups and individuals enjoy walking, hiking, biking, and basketball in the park. The park has some endangered species of birds which if pesticide, fungicide and fertilizer were used on a golf course would have a bad effect on any natural environment. The Smithland site would be a better choice for a golf course.

Dave Hanson said the group wants to work with the City to develop a safe Park with increased use, and to work with the Parks and Recreation Department to enhance and improve the setting without a golf course. It is the only natural, forest-like setting remaining

in this City. He said future generations will thank you for your foresight and will enjoy its beauty. Friends of Hillandale would like to see more concerts there, a few nature trails, perhaps the City picnic, maybe a kite day, and expanded bird and butterfly habitat. There could be problems with endangered species and environmental protection as well. There seems also to be an egalitarian issue here. A majority of residents can now enjoy all of Hillandale Park, especially families with low or middle incomes, and depriving these families of half the park for a golf course just doesn't seem right. Friends of Hillandale want to work with the City for more programs, increased safety in the Park, enhance and improve Hillandale Park without a golf course being located in the park.

Julius Roberson said that he represents the southwest residents supporting the development of a municipal golf course located on the land known as the Lineweaver-Straite property. At the same time the group supports maintaining the integrity of Hillandale Park which is adjacent to the Lineweaver-Straite property. The group supports any and all programs which would increase recreational uses of Hillandale Park and efforts to provide a safer environment for the user of the park. He said in his observation the park is now being used by fewer people and by less representatives of the City. He said there is an unwritten understanding among his family and friends that no one should walk alone in Hillandale Park at any time. A municipal golf course could be financially self-efficient and eventually provide another source of revenue for the City. Golf is a very popular recreational activity for all age groups and income level and is an asset to a community. The group suggested the golf course be developed along guidelines that included environmental planning, wildlife food and cover enhancement, integrated pest management, and water conservation.

Barry Hensley said that his family uses the park 6-7 days a week walking their dogs, jogging and cross-country skiing in the Winter. He said his family really enjoys the park and they support the golf course. The park is very large and there is no reason that a golf course could not co-exist with the park. If the City can generate funds from a public golf course and the feasibility study proves that this is true it seems rather ludicrous not to develop the golf course. The Lineweaver-Straite property constitutes at present a significant public safety problem.

✓ Larry Hoover, representing Gemeinschaft Home, presented a brief report on some new legislation that affects community corrections including the Gemeinschaft Home. In September, 1994 the legislature passed the Comprehensive Community Corrections Act which follows a trend to give more significant responsibilities for certain matters to localities. Gemeinschaft Home is a half-way house that enables the City/County to develop, establish, and maintain a community-based corrections program for non-violent ex-offenders. Local boards will be responsible for making decisions on needs, receive proposals, and requests for the program in order to carry out particular provisions of the local community

correction plan. This is a wonderful opportunity to develop a local system of correctional options that is especially sensitive to local needs, resources, and community sentiments. Mayor Neff suggested that since the City and County would be working together on this program it should be presented to the joint liaison committee for their recommendation. Following further discussion and comments, Vice-Mayor Dingledine offered a motion to refer this program to the City/County Liaison Committee for their recommendation. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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. She said the On-the-Job Training Program is being discontinued due to funding cuts of approximately 14% and the Summer Youth Program will also operate at a slightly decreased level than in 1994. Ms. Rotzin suggested that Council contact some Congressional representatives stating their opposition to any funding cuts to the Summer Youth Program. Council Member Rogers offered a motion recommending that Council make individual telephone calls and mailing a follow-up letter to the City's representatives in Congress concerning the City's position opposing funding cuts to the Summer Youth Program. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council. Council Member Rogers offered a motion to approve the 1995-96 annual summary plan. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion granting Harrisonburg Rotary Club's request to display a banner across South Main Street within the Central Business District, from May 15 to May 22, 1995. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart announced that the River City Yellow Cab Company will be operating under the name Western Virginia Transportation, Inc., a Virginia corporation, and has established an office at 1401 North Main Street. The date of issuance is March 14, 1995 and the date of expiration is December 31, 1995. City Attorney Thumma explained the factors in the certificate of public convenience and necessity as follows: (a) The adequacy, efficiency and safety of existing taxicab service and other forms of transportation for passengers already in existence. (b) The probable permanence and quality of the services offered by the applicant. (c) The financial ability, character, qualifications and responsibility of the applicant. (d) The number and character of vehicles and the character and location of the depots and terminals proposed to be used. (e) The fact that no depots and no terminals are proposed to be used, if such be the case. (f) The experience of the applicant in the transportation of passengers for hire in public vehicles, taxicabs and for-hire cars. Council Member Weaver offered a motion that upon consideration of these

factors to grant a certificate of public convenience and necessity to Western Virginia Transportation, Inc. 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:

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 0.40 center line miles (0.80 lane 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 0.76 center line miles (1.52 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 14th day of March, 1995.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CLERK OF THE COUNCIL

✓ City Manager Stewart explained that this resolution is presented on an annual basis to add streets to the City's maintenance system. The resolution requests that VDOT add newly constructed or reconstructed streets to their inventory. Council Member Weaver offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ City Manager Stewart stated that a committee had been appointed to review the proposals regarding a golf course feasibility study. The committee recommends that the National Golf Foundation Consulting, Inc. be awarded the contract at not to exceed price of \$21,500. A completed study should be presented to Council in seven weeks after the work begins. Council Member Rogers offered a motion to award the contract for the golf course feasibility study to National Golf Foundation Consulting, Inc. The motion was seconded by Council Member Lantz, 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 7-4-9 of the Harrisonburg City Code. City Manager Stewart explained that this ordinance will allow adjustments for excessively high water consumption for which there is no evidence of inaccuracy or malfunctioning meter. Residents will have to file an application for the reduced charges with the Water and Sewer Department under the proposed changes. Council Member Weaver offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Lantz, and approved with a unanimous recorded vote of Council. City Attorney Thumma will clarify some of the language in the ordinance.

City Manager Stewart presented a request from the School Board to appropriate unanticipated receipts from growth in school food service operations. Council Member Rogers offered a motion for the appropriation to be approved for a first reading, and that:

\$149,000 chge. to: 1111-S161204 School Food Service  
57,000 chge. to: 1111-S330213 Meal Reimbursement Operation

\$206,000 approp. to: 1111-40650 Food Service

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

City Manager Stewart presented a request from the School Board to transfer funds to expenditure functions. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$29,839 chge to: 1111-40670 Debt Service  
174,750 chge to: 1111-40610 Instruction

\$29,839 approp. to: 1111-40660 Facilities  
144,740 approp. to: 1111-40640 Operations & Maintenance  
30,000 approp. to: 1111-40620 Administration/Attendance  
Health

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

Helen Hanson, 1118 South Dogwood Drive, stated that most of her friends feel safer in the newer section of Hillendale Park. She said it really bothered her to see the southwest section of the City split into opposing factions on the issue of the golf course in Hillendale Park. She requested that Council inform the consulting firm that there is spirited opposition to the Hillendale site and that Council should support the Smithland Road site.

Council Member Lantz stated that the feasibility study will be taken very seriously. He said that National Golf Foundation Consulting, Inc., was informed there is opposition by some

residents to a golf course at Hillandale Park. One of the reasons National Golf Foundation was chosen is that the company is not afraid of telling a community that it is not capable of supporting a golf course.

City Manager Stewart announced that the Virginia Department of Transportation is holding its annual pre-allocation hearing on March 21th in Staunton. Assistant City Manager Baker will be making a presentation on behalf of the City concerning the three projects currently needing VDOT's support. These projects include moving forward on the improvements to West Market Street, improvements on East Market at Cantrell Avenue, and improvements to Reservoir Street. These projects have been requested for the last several years.

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 Industrial Development Authority, Social Services Advisory Board, Deer Population Task Force, and Community Policy Management Team, 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. 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 Lantz, and approved in a unanimous recorded vote of Council.

At 10:00 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 Weaver offered a motion that Calvin Ferrell, 88 Maplehurst Avenue, be appointed to a first term on the Industrial Development Authority to expire on March 14, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that Jane Hubbell, 118 Flint Avenue, be appointed to the Community Policy and Management Team. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan  
CLERK

John N. Hoff  
MAYOR

## REGULAR MEETING

MARCH 28, 1995

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; 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. Absent: Assistant City Manager Roger Baker.

Vice-Mayor Dingledine 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 a supplemental appropriation from unanticipated receipts in school food services operations. The motion also included referring the rezoning request of Henry Clark, agent for T&T Real Estate, to the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

At 7:35 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, March 4, Saturday, March 18, and Tuesday, March 28, 1995.

The Harrisonburg City Council will hold a public hearing on Tuesday, March 28, 1995, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street.

There will be a public hearing on March 28, 1995 at the Harrisonburg City Council Chambers. This hearing will be to discuss Harrisonburg's application for Section 5311 funds under the Urban Mass Transportation act of 1964. These funds will aid in operating , capital and administrative costs for FY96.

All persons 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 expenses, fuel, tires, maintenance money, and capital expenses. There being no one present desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Weaver offered a motion for approval of the resolution to make application for state and federal funds. 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 March 15, 1995.

"...Chairman Wassum read the request of Timothy and Deborah Lacey for Final Subdivision approval of Parklawn, Section 4 and asked Mrs. Turner to review.

Mrs. Turner explained that this section of Parklawn Subdivision contains 16 lots. All the required deeds of easement have been turned in and Mr. Lacey has posted the necessary bond to ensure completion of the public facilities. The request is in conformance with what was turned in during preliminary plat stages and is recommended for approval..."

Mr. Neff moved for approval. Mr. Rexrode seconded. All voted aye.

Respectfully submitted,

Stacy Turner  
City Planner

Planning and Community Development Director Turner presented a request from Tim Lacey for Section 4 of the final Parklawn Subdivision which is located between Garbers Church Road and Hillandale Park. Mrs. Turner explained that this section contains 16 single family residential lots zoned R-1. This request is in conformance with the preliminary plat and the Planning Commission is recommending approval of this subdivision. Council Member Weaver offered a motion to approve the request as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Public Works Director Baker announced that DLB, Inc., of Hillsville, VA has submitted the low bid of \$888,932.10 for the Washington Street Bridge project. This project also includes reconstruction of Washington Street from the bridge to the intersection, installation of a new traffic signal and the construction of storm drains from Main Street to Blacks Run. Public Utilities Director Collins explained that this project also includes the sewer interceptor improvements for Blacks Run. Vice-Mayor Dingledine offered a motion to award the contract as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from City Treasurer Miller to advertise delinquent real estate taxes for 1993-94. Council Member Weaver offered a motion authorizing City Treasurer Miller to advertise the delinquent real estate taxes. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration a second reading for an ordinance amending and re-enacting Section 7-4-9 of the Harrisonburg City Code. City Manager Stewart explained

that this ordinance will allow adjustments for excessively high water and sewer bills for which there is no evidence of an inaccuracy or a malfunctioning meter. The adjustment will be made only when the water or gallons used exceeds twice the previously recorded peak monthly gallons for the last twelve (12) months and the gallons are greater than or equal to 30,000 gallons per month. City Manager Stewart advised that staff would use this ordinance to make adjustments to Denise Self's utility bill, if the ordinance passed the second reading. Vice-Mayor Dingledine offered a motion that section 7-4-9 be approved for a second 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 Public Works Director Baker for approval of a supplemental appropriation in the amount of \$179,070 to increase the budget in the General Capital Projects Fund for the Washington Street Bridge and street project. Council Member Weaver offered a motion for the appropriation to be approved, and that:

\$179,070 chge. to 1310-34210 Transfer from the General Fund

\$179,070 approp. to 1310-910141-48603 Washington Street Bridge  
and street

\$116,082 chge. to 1000-410241-43372 Maintenance & Repair -  
Bridges

14,988 chge. to 1000-410241-43376 Maintenance & Repair -  
Annex area

25,000 chge. to 1000-410241-48106 Sidewalks

23,000 chge. to 1000-410741-48111 Machinery & Equipment

\$179,070 approp. to 1000-990111-49216 Transfer to capital  
projects

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

City Manager Stewart presented a request from Public Works Director Baker for approval of a supplemental appropriation in the amount of \$27,865 to adjust the General Fund budget for the Garbers Church Road project. Council Member Weaver offered a motion for the appropriation to be approved, and that:

\$27,865 chge. to: 1000-410241-48292 Work in progress-1

\$27,865 approp. to: 1000-990111-49216 Transfer to capital  
projects

\$27,865 chge. to: 1310-34210 Transfer from the General Fund

\$27,865 approp. to: 1310-910141-48602 Garbers Church Road project

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

City Manager Stewart presented a request for approval of a supplemental appropriation in the amount of \$75,000 to increase the

General Fund budget. These funds will be used for the preliminary planning and design of a public safety facility. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$75,000 chge. to: 1310-34210 Transfer from General Fund

\$75,000 approp. to: 1310-910141-48606 Public Safety Building

\$75,000 chge. to: 1000-31010 Amount from fund balance

\$75,000 approp. to: 990111-49216 Transfer to capital projects

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

City Manager Stewart presented a request from Public Utilities Director Collins for approval of a supplemental appropriation in the amount of \$175,000 to increase the budget in the Water Capital Projects Fund. This money will be used to fund the water utility construction costs incidental to the Garbers Church Road project. Vice-Mayor Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$175,000 chge. to: 1321-34220 Transferred from the Water Fund

\$175,000 approp. to: 910161-48624 Garbers Church Road Water Line

\$175,000 chge. to: 2011-31010 Amount from fund balance

\$175,000 approp. to 2011-392061-49216 Transfer to capital projects

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

City Manager Stewart presented a request from Public Utilities Director Collins for approval of a supplemental appropriation in the amount of \$75,000 to increase the revenue for costs associated with the replacement of the Washington Street Bridge. Council Member Rogers offered a motion for the appropriation to be approved for a first reading, and that:

\$75,000 chge. to: 2011-31611 Utility sales to customers

\$75,000 approp. to: 2011-372061-48218 Mains and Appurtenances

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

Council Member Lantz asked Public Works Director Baker to comment on the status of the trash collection. Mr. Baker said that the refuse collection is going very well. The employees are very dedicated to the new program and the citizens have been very responsive and are making a lot of effort to consolidate the trash. Mr. Baker reminded everyone that grass and bundled brush are accepted once a week only each Wednesday for the entire City all year long with a limit of five units.

Public Works Director Baker announced that the Washington Street Bridge project is scheduled to begin in mid April and should be completed by December, 1. The street will be closed when the bridge is removed.

City Manager Stewart announced that a work session with the Committee for Downtown will be held on May 16, at 7:30 p.m. in the conference room on the second floor of the municipal building.

City Manager Stewart announced that National Golf Foundation Consulting plans to begin work the week of April 10th.

At 8:12 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 Industrial Development Authority, Social Services Advisory Board, Deer Population Task Force, and recommendation for Board of Zoning Appeals, 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. 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 9:20 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 to accept the Resource Recovery Facility Operating Agreement between the City of Harrisonburg and James Madison University for the sale and purchase of steam and chilled water. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Vice-Mayor Dingledine offered a motion to approve the agreement of Engineering and Construction Management services with Draper-Aden Associates. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

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

Yvonne Ryan  
CLERK

Joe N. Nye  
MAYOR

## REGULAR MEETING

APRIL 11, 1995

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Steven E. Stewart; 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. Absent: Mayor John Neff.

Council Member Lantz delivered the invocation and Vice-Mayor Dingleline 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 a supplemental appropriation for Capital Projects Public Safety Facility, Water Capital Projects Fund, and Water Fund Capital Outlay. The motion also included referring the rezoning request of Jerome Johnson to the Planning Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart presented the 1995-96 budget to the City Council. A public hearing will be held on April 25th with final approval either on May 9th or May 23rd. There is no proposal for any tax or fee increases in the general fund for fiscal year 95-96. City Manager Stewart explained that in terms of expenditures the budget focuses on three primary functions which includes education, public safety and maintaining the existing infrastructure. The budget reflects a 2% reduction both in gross and net expenditures for the next fiscal year while maintaining a high quality of services to the community. City Manager Stewart reviewed the 1994 retreat goals adopted by Council. Education is a very significant part of the City and the proposed funding for next year by local funds is a \$739,382 increase over the current year funding. Mr. Stewart also stated the proposed budget eliminates nine positions, but recommends nine new positions, including six police officers. Three of the new officers are to be hired after July 1 and the other three officers after January 1, 1996. A police dispatcher will also be hired along with two firefighters. Maintaining the existing infrastructure includes replacement of a 1978 ladder truck, replacement of a 20 plus year-old mobile communication system, replacement of deteriorated sewer lines and replacement of portions of Blacks Run sewer interceptor. The infrastructure maintenance also includes structural repairs to the Wolfe Street parking deck, replacement of school buses, and replacement of segments of deteriorated sidewalks, curbs, gutters and storm drainage.

Hugo Kohl, representative of The Committee for Downtown, presented a request to place planters on the downtown sidewalks adjacent to the store fronts. The concrete planters will contain

pansies planted by volunteers from the sororities and fraternities at JMU. They will be placed against the store fronts and will be out of the way of pedestrian traffic as well as street traffic. They will be maintained by property owners. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

Hugo Kohl requested an endorsement of commemorative coins which Rocky and Brenda's Gold and Silver Shop is proposing to produce for the City of Harrisonburg. The first coins would depict the likeness of the Courthouse on one side and the Springhouse on the other side. Future coins would depict various items that had some connection with the City. The City will receive one dollar for each ounce of coin sold in exchange for endorsement of these coins. Council Member Rogers offered a motion to endorse these coins. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present. Council Member Lantz offered a motion to endorse this coin, however, the motion did not include endorsement of future coins. The motion was seconded by Council Member Rogers. Following further discussion and comments, Council Member Lantz rescinded the motion until Council can review the coin design.

Vice-Mayor Dingledine presented the following resolution for Council's consideration of approval:

WHEREAS, the City Council of Harrisonburg, Virginia (the City Council), has acknowledged the need for the replacement of the present Social Services and Health Department facilities, such new facility (the Project) to be owned by the Harrisonburg Redevelopment & Housing Authority and leased and used jointly by the City of Harrisonburg, Virginia (the City), and Rockingham County, Virginia (the County); and

WHEREAS, there has been presented to the City Council a plan for lease financing the acquisition and construction of the Project which would not create debt of the City for purposes of the Virginia Constitution; and

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

1. The following plan for financing the acquisition and construction of the Project is approved. The Authority will be requested to issue its lease revenue bonds in an amount now estimated to be approximately \$2.5 million (the Bonds) and use the proceeds thereof to finance the acquisition and construction of the Project. The Authority will lease the Project to the City and the County under a "triple net lease" for the term of the bonds at a rent sufficient to amortize the Bonds and to pay the fees and expenses of the Authority. The obligation of the Authority to pay principal and interest on the bonds will be limited to rent payments received from the City and the County. The obligation of the City and the County to pay rent will be subject to the City

Council and the Board of Supervisors, respectively, making annual appropriations for such purpose. The Bonds will be secured by an assignment of rents to a trustee for the benefit of the bondholders. The plan for financing the Project shall contain such additional requirements and provisions as may be approved by the City and the County.

2. The Authority is requested to undertake the issuance of the Bonds, to use the proceeds of the Bonds for the acquisition and construction of the Project and to secure the Bonds by a pledge of rents.

Adopted by the Harrisonburg City Council this 11th day of April, 1995.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CLERK OF THE COUNCIL

Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, explained that this resolution will allow the City and County Social Services Agencies and the Health Department to proceed in the search for relocating these agencies into one consolidated facility. Mr. Deskins recommended the Stroehman's Bakery Building located on Mason Street. Council Member Weaver offered a motion to approve this resolution as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

Vice-Mayor Dingleline presented the following resolution for Council's consideration of approval:

WHEREAS, the City and James Madison University have entered into an Agreement for the sale and purchase of steam and chilled water, which will require the City to improve and expand the City's resource recovery facility; and

WHEREAS, the improvements and expansion of the resource recovery facility will require the City to issue general obligation bonds in an amount estimated to be around Six Million Dollars (\$6,000,000.00); and

WHEREAS, the City intends to reimburse itself out of the bond proceeds for all expenditures and costs associated with the improvement and expansion of the resource recovery facility, which are property reimbursable under all State and Federal laws, and which are incurred and paid prior to the issuance of the bonds;

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

1. The City of Harrisonburg will be issuing general

obligation bonds that are estimated to be in the amount of Six Million Dollars (\$6,000,000.00) to pay for the improvements to and the expansion of the City's resource recovery facility.

2. The City of Harrisonburg shall be reimbursed from the proceeds of the bonds for all costs and expenditures, which are property reimbursable under State and Federal laws, incurred for the improvements to and the expansion of the resource recovery facility. The City represents that it will pay certain expenditures out of general funds for the improvements to and the expansion of the resource recovery facility prior to the issuance of the general obligation bonds. Therefore, it is hereby declared to be the intent to reimburse the City with a portion of the proceeds of the Bonds for expenditures related to the resource recovery facility project that were paid with general funds of the City and made no earlier than 60 days prior to the adoption of this resolution and on and after the date hereof.

Each of the expenditures was and shall be either (a) of a type property chargeable to capital account under general federal income tax principles (determined in each case as of the date of the expenditures), (b) a cost of issuance with respect to the borrowing, or (c) a nonrecurring item that is not customarily payable from current revenues.

The City shall make a reimbursement allocation, in writing, to evidence the use of proceeds of the bonds to reimburse each of the expenditures, no later than 18 months after the later of the date of which each expenditure is paid or the resource recovery facility project is placed in service or abandoned, but in no event more than 3 years after the date on which the expenditure is paid, all in accordance with the Code and the Treasury Regulations hereunder.

3. These foregoing provisions are intended as a declaration of official intent by the City in compliance with the Treasury Regulations under the Code regarding proceeds of tax-exempt bonds used for reimbursement.

Adopted by the Harrisonburg City Council this 11th day of April, 1995.

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MAYOR

ATTEST:

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CLERK OF THE COUNCIL

City Manager Stewart explained that this resolution would allow the City to recover any costs that it had advanced on behalf of the expansion of the Resource Recovery Facility. Council Member Rogers offered a motion to approve this resolution. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

Council Member Weaver offered a motion to close the southwest

area of Court Square for the Springhouse dedication on April 30. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request for approval of a supplemental appropriation in the amount of \$86,021 to purchase a new mini computer for the City. Council Member Weaver offered a motion for the appropriation to be approved, and that:

\$86,021 chge. to: 1000-940111-49310 Reserve for contingencies

\$86,021 approp. to: 1000-122011-48171 EDP equipment

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

City Manager Stewart presented a request for approval of a supplemental appropriation in the amount of \$27,865 to appropriate money from the General Fund recoveries and rebates for a prior year check which was canceled in the current year. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$27,865 chge. to: 1000-31901 Recoveries and Rebates

\$27,865 approp. to: 1000-410241-48292 Work in Progress-1

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

Maureen Shannon announced that Earth Day will be observed on April 22 with a City/County clean-up earlier in the week.

Ralph Geddes, 395 Franklin Street, complained about the tenants living at 398 Franklin Street. He said he contacted the owner of the property about the loud music, parties, and the cars blocking the street. Mr. Geddes said there are many people living in this small two bedroom house. City Manager Stewart will ask the Zoning and Police Departments to investigate the situation.

Council Member Weaver requested an updated report on the rewriting of the zoning codes. City Manager Stewart said that the committee continues to work diligently, but it is not ready to be presented to Council. City Manager Stewart will ask Stacy Turner to provide a report at the next meeting.

City Attorney Thumma presented for Council's consideration a first reading of an ordinance amending and re-enacting Section 16-8-51 of the Harrisonburg City Code. City Attorney Thumma explained that the ordinance would change the penalty from a Class I misdemeanor to a Class IV misdemeanor as specified in the State Code. 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 Members present.

At 9:15 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 Industrial Development Authority, Social Services Advisory Board, Deer Population Task Force, Blue Ridge Community College Local Board, Central Shenandoah Planning District Committee, Community Services (Chapter 10) Board, Blue Ridge Diversionary Program Community Corrections Resources Board, and recommendation 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. 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 Lantz, and approved in a unanimous recorded 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 10:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan  
CLERK

Emily R. Dingledine  
VICE-MAYOR

## REGULAR MEETING

APRIL 25, 1995

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; 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.

Vice-Mayor Dingleline offered a motion to approve the items on the consent agenda including approval of the minutes and the second reading of ordinance amending and re-enacting Section 16-8-51 of the Harrisonburg City Code and a supplemental appropriation for money from the General Fund recoveries and rebates. The motion also included referring the rezoning requests of Sherwin Jacobs and Eastern Mennonite University to the Planning Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 8:00 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, April 14, 1995.

**CITY OF HARRISONBURG, VIRGINIA**  
**PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 1996**  
 For information and fiscal planning purposes only

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 25, 1995 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.

	1995-96	1994-95
	As	As
<u>Revenues - By Funds</u>	<u>Proposed</u>	<u>Amended</u>
General	38,296,090	35,983,248
School	25,748,676	24,729,282
Social Services	-	1,891,567
General Capital Projects	2,035,480	1,699,713
Water Capital Projects	670,500	1,820,329
Sewer Capital Projects	448,000	1,281,291
Sanitation Capital Projects	30,000	900,000
Water	3,925,722	4,261,375
Sewer	4,791,254	4,755,097
Public Transportation	2,185,619	2,785,244
Sanitation	4,194,722	4,431,453

Parking Authority	342,974	173,400
Central Garage	393,004	247,605
Central Stores Operating	<u>93,972</u>	<u>84,305</u>
Gross	83,156,013	85,043,909
Inter fund transfers	<u>(22,496,448)</u>	<u>(23,164,303)</u>
Net	<u>60,659,565</u>	<u>61,879,606</u>
<u>Expenditures - By Funds</u>		
General	38,296,090	35,983,248
School	25,748,676	24,729,282
Social Services	-	1,891,567
General Capital Projects	2,035,480	1,699,713
Water Capital Projects	670,500	1,820,329
Sewer Capital Projects	448,000	1,281,291
Sanitation Capital Projects	30,000	900,000
Water	3,925,722	4,261,375
Sewer	4,791,254	4,755,097
Public Transportation	2,185,619	2,785,244
Sanitation	4,194,722	4,431,453
Parking Authority	342,974	173,400
Central Garage	393,004	247,605
Central Stores Operating	<u>93,972</u>	<u>84,305</u>
Gross	83,156,013	85,043,909
Inter fund transfers	<u>(22,496,448)</u>	<u>(23,164,303)</u>
Net	<u>60,659,565</u>	<u>61,879,606</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 tax or fee increases.

Steven E. Stewart  
City Manager  
City of Harrisonburg

City Manager Stewart briefly reviewed the 1995-96 Budget with City Council. A presentation was made to Council on April 11, and this document has been available to the public. City Manager Stewart reiterated that there is no proposal for any tax or fee increases in the budget for fiscal year 1995-96. City Manager Stewart reviewed the 1994 retreat goals adopted by Council. He said the budget focuses on three primary functions which include education, public safety and maintaining the existing infrastructure. The budget reflects a 2% reduction both in gross and net expenditures for the next fiscal year while maintaining a high quality of services to the community. Mr. Stewart stated that the City has consolidated the landfill operations with Rockingham County, consolidated the Social Services Agencies, privatized the taxi service, made changes in the refuse collection and

consolidated the two City garages into one overall management system. He announced plans to merge the Sanitation Department into the Department of Public Works. Mayor Neff called on anyone present desiring to speak either for or against the 1995-96 budget. Art Albrecht, General Manager of WVPT-TV, stated that the station is a very valuable and positive economic asset to the City of Harrisonburg. He said the station provides instructional television service to the schools in Harrisonburg and surrounding counties.

Nikki Lynch, representative of the Rockingham County Library, expressed thanks for the past support of the library, but was concerned about not receiving an increase in this year's budget. She requested a 4.5% increase in the budget for a 2% cost-of-living raise and a 2% merit increase for the staff.

Alvin Pettus, Chairman of the Harrisonburg City School Board, appealed to Council to fully fund the board's proposed 1995-96 budget. He said the School Board understands and appreciates the need to keep costs to a minimum and the task of identifying, allocating and managing the resources to maintain all of the City's important services.

Tom Galvin, representative the Valley Program for Aging Services, said in 1994 over \$258,000 of services were delivered to the aging and frail in Harrisonburg. He said in the next few years the 85 age plus group will grow dramatically in the City. He requested the small additional funding from the proposed \$20,000 to \$25,000 so that the programs can continue feeding the elderly in the City.

George Homan stated his support for the full funding amount requested by the School Board.

Mary Lindsay requested that the City/County Ladies Lounge located in the basement of the Courthouse be placed back into the budget. She said the lounge is a very needed facility for downtown.

Pat Jones, President of the PTA at Stone Spring Elementary School, requested full funding for the School Board budget. The school system grows every year with more students and needs. She said additional administrators are needed at the middle and high school, additional guidance positions, a school nurse and evening education for the high school students that are at risk. She said special education and remedial education takes more funding which does not leave a lot of funding to meet the needs of the gifted and average child.

Jerry Scripture, stated that since there is no proposal for any tax or fee increases and the demands on the system Council should be proud of itself for being able to fund the new police positions and the public safety expenditures made to fund these positions. All the other things the City has are no good unless there is security. There being no others desiring to be heard, the public hearing was declared closed at 8:20 p.m., and the regular session reconvened. City Manager Stewart reminded Council in order to meet the requirement of the City charter the budget must be adopted by June 1st. Council will have two meetings in May to approve the budget.

Council Member Lantz expressed his appreciation for the citizens' participation at the meeting and for their specific concerns regarding the budget. He said it is typical in a budget hearing

for everyone to want money and there are needs everywhere, but a lot of people and City departments have made sacrifices and there is only so much money to go around. Council Member Lantz offered a motion that this 1995-96 appropriation ordinance be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Brian Shull, Executive Director of Rockingham Development Corporation, presented an updated report concerning industrial shell buildings. He said there are many benefits of having an industrial shell building to market to prospective businesses. The biggest factor is the time savings it offers a business. He recommended four site locations for a shell building which would be marketable. The first site offered would be a 10 acre parcel located in the Meadowbrooke Corporate Center which is the Lantz-Eby Enterprise Development. He said the site is zoned M-1 has water and sewer available and no access road would be needed at this site. The second site would be a 9.54 acre parcel located in Acorn Industrial Park. There would be a cost of extending Red Oak Street to this building site. This property is zoned M-1 with one-quarter of it in Rockingham County. The third site would be a 12 acre parcel located in Acorn Industrial Park which is the William Heatwole property. This site is zoned industrial but an access road would be needed. The fourth site is the "Rockingham Farm" located in the Pleasant Valley area which is in the county but is within the City limits. This property is an 11 acre parcel already zoned M-1 for industrial use but would require an access road. This is the only one of the four sites recommended having the advantage of railroad access. Funding for all access roads may be possible from state industrial access funds. All four of these sites offer Harrisonburg a wonderful marketing opportunity in the quest for manufacturing job growth.

City Manager Stewart presented a lease agreement with the Harrisonburg Redevelopment and Housing Authority for the Social Services and Health Department. Mr. Stewart explained that the funding for both the Health Department and the consolidated Social Services Agencies was not based on a 50-50 split expenses as had been done on previous projects. He suggested that Council approve the concept of the agreement and authorize the City Attorney to work out the details with the attorneys for the Harrisonburg Redevelopment and Housing Authority and the County. Council Member Weaver offered a motion to approve the concept of the lease agreement and authorize the attorneys to begin negotiations. The motion was seconded by Vice-Mayor Dingledine, and approved with a recorded vote of Council with one abstention by Mayor Neff.

City Manager Stewart presented a request from the 10th Virginia Volunteer Infantry to discharge muskets in observance of a memorial service in the Confederate section of Woodbine Cemetery. Mr. Stewart suggested allowing weapons to be discharged in the City could effect future requests by other groups. Council Member Lantz recommended that the request be denied. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of

Council.

Planning and Community Development Director Turner presented a report on the zoning and subdivision ordinance rewrite. She explained that after many committee meetings the last section of the zoning and subdivision ordinance concerning definitions was reviewed and sent to the consultant. Public hearings will be held to give everyone an opportunity to review the map containing new zoning classifications, proposed text and signage.

Council received the following extract from the Planning Commission meeting held on April 19, 1995.

"...Chairman Wassum read the request for approval of Final Subdivision Plat for Section One, Stone Spring Village and asked the City Planner to review the request.

City Planner Turner explained that this was a fairly routine request dividing a 12.2 acre portion of a 27.6 acre tract into 38 single-family lots. It is in conformance with the R-1 zoning classification. In November of 1994 Planning Commission approved the preliminary plan with a variance recommendation that was approved. The request is in conformance with the subdivision ordinance and the construction plans received approval from the City Staff. Bonds have been posted as required and it is recommended for approval..."

Mr. Neff moved for approval. Mr. Sipe seconded. All voted aye.

Respectfully submitted,

Stacy Turner  
City Planner

Planning and Community Development Director Turner presented a request for approval of final subdivision plat for Section One, Stone Spring Village. Mrs. Turner explained that this was a fairly routine request dividing a 12.2 acre portion of a 27.6 acre tract into 38 single-family lots. This request is in conformance with the R-1 zoning classification and the Planning Commission is recommending approval of this subdivision. Council Member Rogers offered a motion to approve the request 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 April 19, 1995.

"...Mrs. Turner explained that this subdivision has not come to Planning Commission before, but that it is needed in order to approve Item 3c (Final Subdivision, Woodland South Woods, Section One - to be forwarded to City Council for it's May 9, 1995 meeting). The 22.62 acre parcel is zoned R-3 "Multiple Dwelling District". The owners are requesting that a 2.1828 acre parcel be divided from the larger tract to allow Woodland of VA, Inc. to transfer it to QUAD Development, the party that plans to develop it into the Woodland South Woods subdivision as indicated in Item 3c on the agenda. So this is simply to get the portion divided out so it can be transferred to QUAD Development..."

Chairman Wassum noted that Mr. Sipe indicated he will abstain

from voting on Items 3b and 3c because of family relationship. Mr. Neff moved for approval. Mrs. Whitten seconded. All voted aye.

Respectfully submitted,

Stacy Turner  
City Planner

Planning and Community Development Director Turner presented a request for final subdivision, Woodland South Woods, Section One located at the end of the existing Woodland Drive. Mrs. Turner explained the owners are requesting that a 2.1828 acre parcel be divided from the larger tract to allow Woodland of VA, Inc. to transfer it to QUAD Development and the Planning Commission is recommending approval of this subdivision. Vice-Mayor Dingledine offered a motion to approve the request as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Vice-Mayor Dingledine offered a motion to set a public hearing on May 23, 1995 to consider the request of Henry Clark, acting as agent for the property owner, T&T Real Estate, to rezone eight (8) lots and portions of two others combined with portions of two closed streets and a vacated alley from R-1 "Single Family Residential" to B-2 Conditional "General Business District." The motion also included the request of Richard Blackwell, Jr. agent for Forbes Crutchfield General Partnership, to rezone 9.88 acres located on the northwest corner of Peach Grove Avenue and Port Republic Road from B-2 "General Business District" to R-3 "Multiple Dwelling District" and a request from Mr. and Mrs. Robert Barry to close a 170 foot long section of 10' wide alley adjacent to their home at 600 Franklin Street. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from Kevin Miller to close a portion of an alley located between Ott Street and Monticello Avenue containing 3,372 square feet. Mr. Miller has paid the appropriate fees for the alley adjacent to his property. Council Member Weaver offered a motion for the alley closing to 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 explained that the State code requires that prior to making appointments to the School Board, Council must hold a public hearing. He said only those names of the applicants mentioned at the public hearing can be considered by Council for appointment to the School Board. Council Member Weaver offered a motion to set a public hearing on May 23, 1995 to accept appointments to the School Board. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart explained that the City Treasurer Miller has requested authorization to charge off delinquent business

licenses for 1993 and 1994. Mrs. Miller has exhausted all methods of collection for certain delinquent business license accounts for 1993 in the amount \$670.00 and in 1994 in the amount of \$3,378.99. Following further discussion and comments, Council Member Rogers offered a motion to approve writing off these uncollectable accounts. The motion was seconded by Council Member Weaver, and approved with a four to one vote of Council with Council Member Lantz opposing.

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

**WHEREAS, that due to construction, reconstruction, or elimination 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 0.73 center line miles (1.46 lane 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 0.55 center line miles (1.10 lane miles). Said streets being listed on accompany 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, 1995.**

**Adopted by the Harrisonburg City Council this 14th day of March, 1995.**

---

**MAYOR**

---

**CLERK OF THE COUNCIL**

City Manager Stewart explained that this is a revision of the resolution adopted at the March 14th Council meeting. The resolution requests VDOT to adjust inventory of streets eligible for state maintenance funds. As a result of VDOT's annual inspection of City streets completed on April 7, 1995, it was determined that several streets were no longer eligible for funds, and that two of the original requests for additions were already receiving payment. Council Member Weaver offered a motion to approve this revised resolution. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to adjust the Sanitation Capital Projects fund budget. This money will be used to fund the cost of the landfill closure. Vice-Mayor Dingledine

offered a motion for the appropriation to be approved for a first reading, and that:

\$202,000 chge. to: 1324-34210 Transfer from General Fund  
295,000 chge. to: 1324-34270 Transfer from Sanitation Fund

\$497,000 approp. to: 1324-910142-48681 Landfill Closure and  
Monitoring

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

Marc Venable, owner of a pot-bellied Vietnamese pig, requested that Council take another look at its hog ordinance. He said the pig is very clean and he has never received any complaints about the animal, but realizes there is a law preventing the maintenance of hogs and hog pens within the City limits. Council Member Weaver proposed a study be made of what other cities allow as far as pets.

Council Member Weaver mentioned she had received a telephone call concerning the height of RMC tower. It was stated the property is zoned M-1.

City Manager Stewart proposed three dates for a town meeting in May at Keister Elementary School. The first choice would be May 31th, the second June 6th, and the third choice May 25th. He said the selected choice will be provided at the next meeting.

City Manager Stewart reminded everyone that a work session with the Committee for Downtown will be held on May 16th.

At 9:40 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 Industrial Development Authority, Social Services Advisory Board, Deer Population Task Force, Blue Ridge Community College Local Board, Central Shenandoah Planning District Commission, Community Services (Chapter 10) Board, Blue Ridge Diversionary Program Community Corrections Resources Board, and recommendation 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 consideration of the acquisition of real property 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. 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 10:33 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 Charles P. Bilbrey, 1124 Sharpes Drive, be recommended for appointment to fill the unexpired term of Edward Hughes on the Board of Zoning Appeals to expire on March 20, 1997. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:35 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan  
CLERK

John N. Hupp  
MAYOR

## REGULAR MEETING

MAY 9, 1995

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; 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 the Boy Scout Troop #40 from Asbury United Methodist Church 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 Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a proposal requesting localities to apply for interim funding for participation in the Comprehensive Community Corrections and Pre-trial Services Act which goes into effect July 1, 1995. He said after the City/County Liaison Committee had reviewed the proposal it has recommended that the City and County jointly proceed with the implementation of this act effective July 1, 1995. Judge John Paul requested that Council approve the request authorizing the City Manager to send a letter of intent to the state. He said the City and County jointly will receive funds from the state and no local costs will be involved. These services are vital to the successful operation of the courts and include probation supervision of offenders, restitution to the victims, and that offenders are abiding by the law and receiving the proper counseling or performing community services. Council Member Rogers offered a motion to authorize the City Manager to send the letter of intent for the joint project. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from a group of residents on Chestnut Drive who are planning a block party on June 17 from 4:00 p.m. until 9:00 p.m. They have requested that a portion of the street be blocked off from South Avenue to Sharpes Drive. Mr. Stewart said staff is very supportive of neighborhoods getting together, but when the public street is closed for events such as a parade or other activities the parties involved are required to put up a minimum of a one million dollar general liability policy to protect the City. He said the public street is not really the appropriate place for a block party. Gail Collins explained that the group of residents on Chestnut Drive realized this was an unusual request and that probably their yards or the park would be more suitable for such an event, but the group wanted to explore all options. Council decided not to take any action

concerning this request.

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

WHEREAS, the City of Harrisonburg is blessed with a strong manufacturing base; and

WHEREAS, these industries provide over 2,750 much needed jobs for the citizens of Harrisonburg and surrounding jurisdictions; and

WHEREAS, these same industries provide local taxes from which the entire local citizenry benefit; and

WHEREAS, we recognize and appreciate these important facts;

NOW, THEREFORE, Harrisonburg City Council hereby salutes this community's existing industry base, and by virtue of this resolution gives notice to local citizens that Virginia Industries are Building a Better Commonwealth.

AND FURTHER, that the week of May 21-27, 1995 is Industry Appreciation Week in Harrisonburg, Virginia.

ADOPTED AND APPROVED THIS 9TH DAY OF MAY, 1995

---

JOHN N. NEFF, MAYOR

Attest:

---

CLERK

Brian Shull, Executive Director of Rockingham Development Corporation, requested that City Council proclaim May 21-27 as Industry Appreciation Week in Harrisonburg. He said RDC has established a goal of creating 4,000 new jobs in the City by the year 2000. This would require an average of 525-600 jobs per year for a 2.5% annual growth. He also reviewed a progress report regarding new jobs created during the past 12 months and what percentage were manufacturing jobs. Mr. Shull said the biggest increases in new manufacturing jobs during the past year were the Owen Brockway Company and Banta Printing Company. Council Member Weaver offered a motion to proclaim May 21-27 as Industry Appreciation Week and to approve the resolution as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. Mayor Neff expressed his appreciation to Mr. Shull for continuing to work on behalf of the City and County by providing some insight into the job market and for the information on the shell buildings.

City Manager Stewart explained that a Certificate of Approval was necessary for Mercy House to continue receiving grant funding

from the Virginia Department of Housing and Community Development. Council Member Weaver offered a motion that the City Manager be authorized to sign the certification form. 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 April 26, 1995.

..."Mrs. Turner explained that this is very routine, it involves four lots on which duplexes will be built and seven lots for attached townhouses. It is located at the end of existing Emerald Drive. Public improvements are in place, required bonds have been posted, site plans have been approved and all that is remaining is for it to be recommended for approval by Planning Commission and approved by City Council. If this can be taken care of tonight then it could go on to the May 9th City Council for approval. It is recommended for approval..."

Vice-Chairman Rexrode asked if any members had any questions or comments about this particular item.

Mrs. Whitten moved for approval. Mr. Sipe seconded. All voted aye.

Respectfully submitted,

Stacy Turner  
City Planner

Planning and Community Development Director Turner presented a request for final subdivision plat, Emerald Drive Estates III, which was previously known as Blue Stone Hills Subdivision Section 3G. She said this subdivision involves four lots on which duplexes will be built and seven lots for attached townhouses. It is a continuation of the type of development that already exists on Emerald Drive. The construction plans for the development have been approved and the Planning Commission is recommending approval of this subdivision. Vice-Mayor Dingledine offered a motion to approve the 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 April 19, 1995.

..."Mrs. Turner stated that this subdivision is a 2.1331 acre parcel to be divided into 9 lots. There is small portion, 2,165 square feet, which is being transferred to an adjacent lot in the first section of Woodland. Item 3b is required before Item 3c can go before the Council.

The way this has been discussed with developers is that both Item 3b and 3c be recommended for approval tonight, and they are, all necessary bonds have been posted and they are recommended for approval by City Staff. However, the understanding needs to be that Item 3b will be recorded prior to City Council receiving Item 3c. Item 3b will go to City Council on April 25th and Item 3c will not go to Council until the May 9th meeting. That way QUAD Development will not be held up for an additional month until Planning Commission meets.

Mrs. Turner stated that if, come the first Council meeting in May, Item 3b has not been recorded staff recommendation at that time will have to be that staff does not recommend approval of Woodland, South Woods..."

(Chairman Wassum noted that Mr. Sipe indicated he will abstain from voting on Items 3b and 3c because of family relationship.)

Mr. Neff moved for approval. Mr. Rexrode seconded. All voted aye.

Respectfully submitted,

Stacy Turner  
City Planner

Planning and Community Development Director Turner presented a request for final subdivision plat, Section One, Woodland South Woods. Mrs. Turner explained that is the first phase of a development that is planned as an extension of the existing Woodland Subdivision. This subdivision is a 2.1331 acre parcel which will be divided into 9 lots. She said two other transactions had to occur and be recorded first before this request and both of those transactions have occurred. These lots are zoned R-3 but are planned to be developed as detached single family homes on smaller lots. She said the Planning Commission is recommending approval of this subdivision. Council Member Weaver offered a motion to approve the 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, the Industrial Development Authority of Rockingham County, Virginia (the "Authority") has considered the application of Virginia Mennonite Home, Inc. (the "Borrower") requesting the issuance of one or more of the Authority's revenue bonds or notes in an amount not to exceed \$3,300,000 (the "Bonds") for the purpose of (1) refunding (a) the outstanding Health Care Facility Revenue Bonds (Virginia Mennonite Home, Inc. Project) of the Industrial Development Authority of the City of Harrisonburg, Virginia in an initial aggregate principal amount of \$5,000,000 (the "Prior Bonds") and (b) the outstanding portion of the Borrower's \$2,626,309.82 Refunding Note, the proceeds of which were used to refund a portion of the Prior Bonds, and (2) paying issuance costs of the Bonds;

WHEREAS, the proceeds from the sale of the Prior Bonds were used to fund the acquisition, construction and equipping of a 120-bed intermediate care and skilled nursing facility for the aged (the "Project") located at 1501 Virginia Avenue in the City of Harrisonburg, Virginia (the "City"), which has been and will be owned and operated by the Borrower;

WHEREAS, the Authority has held a public hearing with respect to the proposed issuance of the Bonds; and

WHEREAS, it has been requested that the City Council (the "Council") of the City approve the refinancing of the Project and the issuance of the Bonds, and such approval is required for compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended ("the Code");

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

1. The Council approves the refinancing of the Project and the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by said Section 147(f), to permit the Authority to assist in the refinancing of the Project.

2. The approval of the issuance of the Bonds, as required by said Section 147(f), does not constitute an endorsement of the Bonds, the credit worthiness of the Borrower or the economic viability of the Project. The Bonds shall provide that neither the Commonwealth of Virginia (the "Commonwealth") nor any political subdivision thereof, including the City, Rockingham County, Virginia (the "County") and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and receipts pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the City, the County and the Authority, shall be pledged thereto.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
John N. Neff, Mayor

Attest:

\_\_\_\_\_  
Clerk

City Manager Stewart explained that this resolution would allow the Industrial Development Authority of Rockingham County to issue bonds for the Virginia Mennonite Home, Inc. Because the project is located within the City of Harrisonburg it does require approval by the City Council. Approval of this resolution does not obligate the City in anyway nor does it count against the City's bond capacity nor is it an endorsement by City Council. Vice-Mayor Dingledine offered a motion to approve the resolution and the refinancing and issuance of bonds for the Virginia Mennonite Home, Inc. The motion was seconded by Council Member Weaver, and approved with unanimous vote of Council.

Mayor Neff introduced the adoption of the 1995-96 appropriation ordinance for a second reading. City Manager Stewart explained that Council received the budget document on April 11 and a public hearing was held on April 25 meeting at which time it was approved for a first reading. Vice-Mayor Dingledine offered a

motion that this 1995-96 appropriation ordinance be approved for a second reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council. Council Member Weaver expressed thanks to the City Manager for meeting the goals established at the Council retreat and for all the hard work that went into the preparation of the budget. Mayor Neff said the City is fortunate to have professionals who know how to work with a budget and being able to produce a document from the direction given by 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, 1996

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1996. 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, 1996:

##### 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-three thousand, six dollars (\$93,006) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$34,433
(2)	Other Operating Expenses	51,573
(3)	Capital Outlay	7,000

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

For the current expenses of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of two hundred forty-two thousand, six hundred eighty-eight dollars and (\$242,688) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$167,540
(2)	Other Operating Expenses	75,148

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-one thousand, seven hundred ninety-five dollars (\$41,795) is appropriated from the General Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Other Operating Expenses | \$41,795 |
|------------------------------|----------|

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 eighty-nine thousand, three hundred five dollars (\$89,305) is appropriated from the General Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Personal Services        | \$67,754 |
| (2) Other Operating Expenses | 21,051   |
| (3) Capital Outlay           | 500      |

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-seven thousand, two hundred dollars (\$27,200) is appropriated from the General Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Other Operating Expenses | \$27,200 |
|------------------------------|----------|

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 fifty-nine thousand, three hundred forty-nine dollars (\$259,349) is appropriated from the General Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$181,151 |
| (2) Other Operating Expenses | 72,198    |
| (3) Capital Outlay           | 6,000     |

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 ninety-five thousand, three hundred thirty dollars (\$95,330) is appropriated from the General Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Personal Services        | \$20,000 |
| (2) Other Operation Expenses | 20,330   |
| (3) Capital Outlay           | 55,000   |

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 zero (\$0) is appropriated from the General Fund to be apportioned as follows:

- |                              |      |
|------------------------------|------|
| (1) Other Operating Expenses | \$ 0 |
|------------------------------|------|

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 sixty-five thousand, four hundred forty-five dollars (\$265,445) is appropriated from the General Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$179,376 |
| (2) Other Operating Expenses | 80,069    |
| (3) Capital Outlay           | 6,000     |

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-one thousand, five hundred ninety-three dollars (\$241,593) is appropriated from the General Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$173,252 |
| (2) Other Operating Expenses | 64,841    |
| (3) Capital Outlay           | 3,500     |

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, seventy-one dollars (\$15,071) is appropriated from the General Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Personal Services        | \$14,000 |
| (2) Other Operating Expenses | 1,071    |

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-nine thousand, eighteen dollars (\$79,018) is appropriated from the General Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Personal Services        | \$36,472 |
| (2) Other Operating Expenses | 36,546   |
| (3) Capital Outlay           | 6,000    |

Paragraph Thirteen - Purchasing Agent (122211)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of eighty thousand, seven hundred nine dollars (\$80,709) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$59,121
(2) Other Operating Expenses	21,588

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 (\$38,678) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$35,000
(2) Other Operating Expenses	3,678

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 eighty-two thousand, six hundred seventy dollars (\$82,670) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$46,907
(2) Other Operating Expenses	32,013
(3) Capital Outlay	3,750

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, eight hundred twenty thousand, four hundred two dollars (\$2,820,402) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,873,915
(2) Other Operating Expenses	790,087
(3) Capital Outlay	156,400

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, three hundred eleven thousand, six hundred seventy dollars (\$2,311,670) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,494,144
(2) Other Operating Expenses	696,026
(3) Capital Outlay	121,500

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 (\$57,500) is appropriated from the General Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Other Operating Expenses | \$57,500 |
|------------------------------|----------|

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 eighty-three thousand, eight hundred twenty-one dollars (\$283,821) is appropriated from the General Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$202,518 |
| (2) Other Operating Expenses | 70,203    |
| (3) Capital Outlay           | 11,100    |

Paragraph Twenty - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of sixty-three thousand, eighty-one dollars (\$63,081) is appropriated from the General Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Personal Services        | \$20,163 |
| (2) Other Operating Expenses | 42,918   |

Paragraph Twenty-one - Coroner (350331)

For the current expenses of the CORONER, a division of the Department of Public Safety the sum of six hundred dollars (\$600) is appropriated from the General Fund to be apportioned as follows:

- |                              |       |
|------------------------------|-------|
| (1) Other Operating Expenses | \$600 |
|------------------------------|-------|

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 eighty-eight thousand, nine hundred eleven dollars (\$188,911) is appropriated from the General Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Other Operating Expenses | \$188,911 |
|------------------------------|-----------|

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 five hundred sixty-nine thousand, four hundred fifty-three dollars (\$569,453) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$298,964
(2) Other Operating Expenses	105,489
(3) Capital Outlay	165,000

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 two million, five hundred ninety-seven thousand, three hundred ninety-seven dollars (\$2,597,397) is appropriated from General Fund to be apportioned as follows:

(1) Personal Services	\$794,893
(2) Other Operating Expenses	1,463,646
(3) Capital Outlay	338,858

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 forty-five thousand dollars (\$445,000) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$445,000
------------------------------	-----------

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-three thousand, five hundred fifty-seven dollars (\$93,557) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$10,400
(2) Other Operating Expenses	75,157
(3) Capital Outlay	8,000

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 six hundred seven thousand, forty-eight dollars (\$607,048) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$208,163
(2) Other Operating Expenses	217,672
(3) Capital Outlay	181,213

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 ninety-six thousand, nine hundred sixteen dollars (\$196,916) is appropriated from the General Fund to

be appointed as follows:

(1) Personal Services	\$131,935
(2) Other Operating Expenses	62,981
(3) Capital Outlay	2,000

Paragraph Twenty-Nine - Street Cleaning (420241)

For the current expenses of the STREET CLEANING, a division of Public Works, the sum of one hundred sixty-three thousand, nineteen dollars (\$163,019) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$88,034
(2) Other Operating Expenses	74,985

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 thirty-three thousand, eighty-four dollars (\$33,084) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$15,900
(2) Other Operating Expenses	17,184

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 thirty-eight thousand, fifty-three dollars (\$138,053) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$16,960
(2) Other Operating Expenses	94,593
(3) Capital Outlay	26,500

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-nine thousand, nine hundred twenty-one dollars (\$159,921) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$159,921
------------------------------	-----------

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-six thousand, six hundred ninety-five dollars (\$86,695) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$86,695

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 (\$26,000) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$26,000

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 one million, fifty-five thousand, three hundred ninety-four dollars (\$1,055,394) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$534,448  
(2) Other Operating Expenses 502,196  
(3) Capital Outlay 18,750

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 three hundred twenty-three thousand, six hundred seventy-nine dollars (\$323,679) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$202,742  
(2) Other Operating Expenses 120,937

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 sixty thousand, two hundred eighty-eight dollars (\$60,288) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$24,573  
(2) Other Operating Expenses 35,715

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-four thousand, three hundred fifty-one dollars (\$34,351) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$25,558  
(2) Other Operating Expenses 8,793

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 two hundred sixty-nine thousand, three hundred ninety-nine dollars (\$269,399) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$115,784
(2) Other Operating Expenses	93,615
(3) Capital Outlay	60,000

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 twenty thousand, seven hundred fifty-six dollars (\$20,756) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$7,873
(2) Other Operating Expenses	12,883

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 twenty-one thousand, three hundred eighty-six dollars (\$121,386) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$84,455
(2) Other Operating Expenses	35,431
(3) Capital Outlay	1,500

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 seventy-two thousand, two hundred ninety-seven dollars (\$72,297) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$54,603
(2) Other Operating Expenses	17,694

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 five thousand, six hundred sixty-three dollars (\$5,663) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,080
(2) Other Operating Expenses	4,583

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-seven thousand, two hundred twenty-six dollars (\$57,226) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$45,000
(2) Other Operating Expenses	12,226

Paragraph Forty-Five - Insurance (910311)

For the payment of General Liability Insurance, the sum of three thousand, three hundred sixty-five dollars (\$3,365) is appropriated from the General fund to be apportioned as follows:

(1) Insurance	\$3,365
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Paragraph Forty-Six - Non-Departmental - Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of four hundred thirty-five thousand, six hundred forty-two dollars (\$435,642) is appropriated from the General Fund to be apportioned as follows:

43850 Central Shenandoah Planning District	\$7,443
45642 Local Chamber of Commerce (Am Leg Parade)	3,000
45644 Salvation Army	4,400
45645 Rescue Squad-Gas and Oil	8,000
45647 Shen Val. Soil & Water Conservation Dist.	3,500
45648 Blue Ridge Community College	3,000
45649 Rockingham Co. Historical Society	1,000
45650 Valley Program for Aging Services	20,600
45651 WVPT-Public Television	1,442
45652 First Step, Inc.	21,000
45653 Non-Departmental CATV	5,000
45654 Chamber of Commerce Convention	32,470
45656 BRCC-Site Improvement	20,000
45658 Greener Harrisonburg	1,000
45660 Other Non-departmental	25,600
45661 Committee for Downtown	15,000
45664 Woodbine Cemetery	1,500
47010 Rockingham County Library	169,250
47020 Upper Valley Regional Park	29,000
47030 Juvenile Detention Home	63,437

Paragraph Forty-Seven - Non Departmental - Joint Operations  
(910511)

For the payment of joint expenses, the sum of one million, one hundred eighty-eight thousand, two hundred ten dollars (\$1,188,210) is appropriated from the General Fund to be apportioned as follows:

43860 Payment to R'ham-Judicial Complex	
---	--

	Expenses, etc.	\$700,000
43864	R'ham City share of Soc. Service	488,210

Paragraph Forty-Eight - Non Departmental  
Subscriptions/Contribution (910611)

For the payment of Airport Expenses, the sum of forty thousand dollars (\$40,000) is appropriated from the General Fund to be apportioned as follows:

47040	Contribution	\$25,000
47045	Airport Capital Improvements	15,000

Paragraph Forty-Nine - Non Departmental  
Dues to Municipal Organizations (910711)

For the payment of dues to Municipal Organizations. The sum of eleven thousand, four hundred fifty-four dollars (\$11,454) is appropriated from the General fund to be apportioned as follows:

45810	Dues and Memberships	\$11,454
-------	----------------------	----------

Paragraph Fifty - 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 sixty-one thousand, three hundred seventy-nine dollars (\$1,361,379) is appropriated from the General Fund to be apportioned as follows:

(1)	Serial Bonds and Interest	\$1,361,379
-----	---------------------------	-------------

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

For supplementing the revenue of other funds the sum of twenty million, six hundred forty-one thousand, six hundred sixteen dollars (\$20,641,616) is appropriated from the General Fund to be apportioned as follows:

(1)	Central Garage Fund	\$42,900
(2)	Central Stores Fund	37,584
(3)	School Fund	15,973,584
(4)	Public Transportation Fund	558,960
(5)	Sanitation Fund	1,844,020
(6)	Transfer to General Capital Projects Fd	2,035,480
(7)	To Parking Authority Fund	149,088

Paragraph Fifty-Two - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of one hundred thousand dollars (\$100,000) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies \$100,000

### S U M M A R Y

#### **Expenditures and Revenue**

Total General Fund Appropriation for the  
Fiscal Year Ending June 30, 1996 \$38,296,090

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

Amount from Fund Balances	\$1,029,146
General Property Taxes (Est.)	13,617,600
Other Local Taxes (Est.)	15,151,944
Permits, Privilege Fees and Regulatory Licenses (Est.)	165,350
Fines and Forfeitures (Est.)	307,600
Revenue from use of Money & Property (Est.)	368,500
Charges for Services (Est.)	203,000
Miscellaneous Revenue (Est.)	3,160,685
Recovered Costs (Est.)	40,000
Non-Categorical Aid (Est.)	822,937
Shared Expenses (Categorical) (Est.)	241,296
Categorical Aid (Est.)	2,634,692
Non-Revenue Receipts	3,500
Transfers (Est.)	<u>549,840</u>

Total General Fund Revenue (Estimated)  
for the Fiscal Year Ending June 30, 1996 \$38,296,090

### SECTION II - SCHOOL FUND (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, 1996:

#### Paragraph One - Instruction (40610)

For the current expenses on the INSTRUCTION OF THE DEPARTMENT  
OF EDUCATION, the sum of sixteen million, seven hundred sixty-one  
thousand, eight hundred sixty-two dollars (\$16,761,862) is  
appropriated from the City School Fund to be apportioned as  
follows:

(1) Instruction \$16,761,862

#### 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 sixty-eight thousand, seven hundred fourteen dollars  
(\$1,268,714) is appropriated from the City School Fund to be

apportioned as follows:

- |   |             |
|---|-------------|
| (1) Administration/Attendance<br>& Health Service | \$1,268,714 |
|---|-------------|

Paragraph Three - Public Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT OF EDUCATION, the sum of five hundred seventy-five thousand, four hundred ninety-five dollars (\$575,495) is appropriated from the City School Fund to be apportioned as follows:

- |                                  |           |
|----------------------------------|-----------|
| (1) Pupil Transportation Service | \$575,495 |
|----------------------------------|-----------|

Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF EDUCATION, the sum of two million, two hundred sixteen thousand, nine hundred forty-three dollars (\$2,216,943) is appropriated from the City School Fund to be apportioned as follows:

- |                                |             |
|--------------------------------|-------------|
| (1) Operations and Maintenance | \$2,216,943 |
|--------------------------------|-------------|

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, three hundred fifty-three thousand, seventy-six dollars (\$1,353,076) is appropriated from the City School Fund to be apportioned as follows:

- |  |             |
|--|-------------|
| (1) School Food Services & Other<br>Non Instructional Operations | \$1,353,076 |
|--|-------------|

Paragraph Six - Facilities (40660)

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

- |                |         |
|----------------|---------|
| (1) Facilities | \$2,000 |
|----------------|---------|

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, five hundred seventy thousand, five hundred eighty-six dollars (\$3,570,586) is appropriated from the City School Fund to be apportioned as follows:

- |                             |             |
|-----------------------------|-------------|
| (1) Serial Bonds & Interest | \$3,570,586 |
|-----------------------------|-------------|

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

Total School Fund Appropriations for  
Fiscal Year Ending June 30, 1996 \$25,748,676

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

Receipts from State School Funds (Est.)	\$7,653,535
Revenue from Federal Funds (Est.)	1,159,169
Receipts from other Funds (Est.)	962,388
Receipts from City Funds	<u>15,973,584</u>

Total School Fund Revenue (Estimated)  
for the Fiscal Year Ending June 30, 1996 \$25,748,676

SECTION III - CAPITAL PROJECTSGeneral Capital Projects Fund (1310)

That the following sum of money be and the same hereby are  
appropriated for General Capital Projects purposes herein specified  
for the fiscal year ended June 30, 1996:

Paragraph One - Capital Projects (910141)

For the payment of General Fund Capital projects, the sum of  
two million, thirty-five thousand, four hundred eighty dollars  
(\$2,035,480) appropriated as follows:

48602	Garbers Church Road Right-of-Way	\$1,251,800
48604	Gay Street Bridge	394,950
48605	Grace Street Bridge	388,730

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

Total General Capital Projects Fund Appropriation  
for the Fiscal Year Ended June 30, 1996 \$2,035,480

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

34210	Transfer from General Fund	<u>\$2,035,480</u>
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SECTION IV - Water Capital Projects Fund (1321)

That the following sum of money be and the same hereby are  
appropriated for Water Capital Projects purposes herein specified  
for the fiscal year ended June 30, 1996:

Paragraph One - Capital Projects (910161)

For the payment of Water Fund Capital Projects, the sum of six hundred seventy thousand, five hundred dollars (\$670,500) is appropriated as follows:

48621	Western Raw Water Line	\$275,000
48625	JMU Water Tank, etc.	325,000
48626	West Market Street - Water Utilities	70,000

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

Total Water Capital Projects Fund Appropriations  
for the Fiscal Year Ended June 30, 1996 \$670,500

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

34220	Transfer from Water Fund	<u>\$670,500</u>
-------	--------------------------	------------------

Section V - Sewer Capital Projects Fund (1322)

That the following sum of money be and the same hereby are appropriated for Sewer Capital Projects purposes herein specified for the fiscal year ended June 30, 1996:

Paragraph One - Capital Projects (911161)

For the payment of Sewer Fund Capital Projects, the sum of four hundred and forty-eight thousand dollars (\$448,000) is appropriated as follows:

48641	Blacks Run Interceptor	\$153,000
48645	PHR&A I&I	295,000

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

Total Sewer Capital Projects Fund appropriation  
for the Fiscal Year Ended June 30, 1996 \$448,000

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

34230	Transfer from Sewer Fund	<u>\$448,000</u>
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SECTION VI - Sanitation Capital Projects Fund (1324)

That the following sum of money be and the same hereby are appropriated for Sanitation Capital Projects purposes herein specified for the fiscal year ended June 30, 1996:

Paragraph One - Capital Projects (910142)

For the payment of General Fund Capital Projects, the sum of thirty thousand dollars (\$30,000) is appropriated as follows:

48681	Landfill closure and monitoring	\$30,000
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S U M M A R Y

**Expenditure and Revenue**

Total General Capital Projects Fund appropriation for the Fiscal Year Ended June 30, 1996	<u>\$30,000</u>
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To be provided from the following anticipated and estimated revenue which is as follows:

34270	Transfer from Sanitation Fund	<u>\$30,000</u>
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SECTION VII - 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, 1996:

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 eighty-four thousand, eight hundred thirty-six dollars (\$184,836) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$96,600
(2)	Other Operating Expenses	88,236

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 forty-seven thousand, three hundred twenty dollars (\$247,320) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$9,400
(2)	Other Operating Expenses	237,920

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 seven hundred twenty-nine thousand, two hundred sixty dollars (\$729,260) is appropriated from the Water Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$350,900 |
| (2) Other Operating Expenses | 378,360   |

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 twenty thousand, six hundred thirty-nine dollars (\$120,639) is appropriated from the Water Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Personal Services        | \$72,700 |
| (2) Other Operating Expenses | 47,939   |

Paragraph Five - Miscellaneous (352061)

For setting aside reserves for depreciation and payment of taxes, the sum of six hundred ninety-one thousand, six hundred forty-four dollars (\$691,644) is appropriated from the Water Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Other Operating Expenses | \$13,000 |
| (2) Depreciation             | 561,500  |
| (3) Taxes, etc.              | 117,144  |

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 forty-one thousand, seven hundred sixty-three dollars (\$541,763) is appropriated from the Water Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$324,100 |
| (2) Other Operating Expenses | 217,663   |

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 three hundred ninety-five thousand dollars (\$395,000) is appropriated from the Water Fund to be apportioned as follows:

- |                    |           |
|--------------------|-----------|
| (1) Capital Outlay | \$395,000 |
|--------------------|-----------|

Paragraph Eight - Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of one million, fifteen thousand, two hundred sixty dollars (\$1,015,260) is appropriated from the Water Fund to be apportioned as follows:

- |                               |  |
|-------------------------------|--|
| (1) To General Fund, Share of |  |
|-------------------------------|--|

Accounting, Collecting & Data Processing	\$266,508
(2) To Central Garage Fund	50,052
(3) To Central Stores Fund	28,200
To Transfer to Water Capital Projects Fund	670,500

### S U M M A R Y

#### Expenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1996	<u>\$3,925,722</u>
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To be provided for from the following Anticipated Revenue, which is as follows:

Permits, Privilege Fees and Regulatory Licenses (Est.)	\$ 100,000
Revenue from use of Money & Property (Est.)	62,300
Charges for Services (Est.)	3,351,500
Recovered Costs (Est.)	106,008
Transfers (Est.)	305,424
Miscellaneous Revenues	<u>490</u>

Total Water Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1996	<u>\$3,925,722</u>
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### SECTION VIII - 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, 1996.

#### 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 forty-seven thousand, two hundred twenty-six dollars (\$147,226) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$75,700
(2) Other Operating Expenses	71,526

#### 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 one million, ninety-two thousand, five hundred fifty-six dollars (\$1,092,556) is appropriated from the Sewer Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$11,300  |
| (2) Other Operating Expenses | 1,081,256 |

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 sixty-two thousand, seven hundred forty-nine dollars (\$562,749) is appropriated from the Sewer Fund to be apportioned as follows:

- |                              |           |
|------------------------------|-----------|
| (1) Personal Services        | \$327,000 |
| (2) Other Operating Expenses | 235,749   |

Paragraph Four - Miscellaneous (442061)

For setting aside reserve for depreciation and the payment of taxes, the sum of five hundred eighty-three thousand, five hundred dollars and (\$583,500) is appropriated from the Sewer Fund to be apportioned as follows:

- |                              |         |
|------------------------------|---------|
| (1) Other Operating Expenses | \$3,000 |
| (2) Depreciation             | 480,900 |
| (3) Taxes, etc.              | 99,600  |

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 twenty-five thousand, seven hundred seventy-nine dollars (\$125,779) is appropriated from the Sewer Fund to be apportioned as follows:

- |                              |          |
|------------------------------|----------|
| (1) Personal Services        | \$64,600 |
| (2) Other Operating Expenses | 61,179   |

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 four hundred twenty-seven thousand dollars (\$427,000) is appropriated from the Sewer Fund to be apportioned as follows:

- |                    |           |
|--------------------|-----------|
| (1) Capital Outlay | \$427,000 |
|--------------------|-----------|

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, sixty-eight thousand, six hundred dollars (\$1,068,600) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc. \$1,068,600

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 seven hundred eighty-three thousand, eight hundred forty-four dollars (\$783,844) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$257,604
(2) To Central Garage Fund	50,052
(3) To Central Stores Fund	28,188
To Transfer to Sewer Capital Projects Fund	448,000

S U M M A R Y

**Expenditures and Revenue**

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1996	<u>\$4,791,254</u>
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To be provided for from the following Anticipated Revenue, which is as follows:

Permits, Privilege Fees and Regulatory Licenses (Est.)	\$ 60,000
Revenue from use of Money & Property (Est.)	70,000
Charges for Services (Est.)	4,250,000
Recovered Costs (Est.)	26,894
Transfers (Est.)	<u>384,360</u>

Total Sewer Fund Revenue (Estimated) for the Fiscal Year ending June 30, 1996	<u>\$4,791,254</u>
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SECTION IX - PUBLIC TRANSPORTATION FUND (2013)

That the following sum of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 1996:

Paragraph One - Transit Buses (812081)

For the current expenses of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of one million, fifty-eight thousand, six hundred fifty-five dollars (\$1,058,655) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$538,883
(2) Other Operating Expenses	444,772
(3) Depreciation	75,000

Paragraph Two - School Buses (822081)

For the current expenses of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of eight hundred sixty thousand, sixty-four dollars (\$860,064) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$442,167
(2) Other Operating Expenses	357,897
(3) Depreciation	60,000

Paragraph Three - Miscellaneous (842081)

For the current expenses of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of seventy-eight thousand, nine hundred dollars (\$78,900) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 0
(2) Other Operating Expenses	28,900
(3) Depreciation	50,000

Paragraph Four - Capital outlay (872081)

For the capital improvements in the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of one hundred eighty-eight thousand dollars (\$188,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlay	\$188,000
--------------------	-----------

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

Total Public Transportation Fund	
Appropriations for the Fiscal Year	
Ending June 30, 1996	<u>\$2,185,619</u>

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

Sale of Services to Department (Est.)	\$ 5,000
Charges for Services (Est.)	969,000
Recovered Costs (Est.)	3,999
Categorical Aid-Commonwealth (Est.)	203,000
Categorical Aid-Federal (Est.)	355,000
Transfers	<u>649,620</u>
Total Public Transportation Fund	
Revenue (Estimated) for the Fiscal	
Year ending June 30, 1996	<u>\$2,185,619</u>

## SECTION X - 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, 1996:

### 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 forty-eight thousand, five hundred thirty-one dollars (\$848,531) is appropriated from the Sanitation Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$497,995 |
| (2) | Other Operating Expenses | 350,536   |

### Paragraph Two - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of three hundred eighty-five thousand, one hundred thirty dollars (\$385,130) is appropriated from the Sanitation Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$235,681 |
| (2) | Other Operating Expenses | 149,449   |

### Paragraph Three - Sanitary Landfill (932042)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of four hundred sixty-six thousand, four hundred fifteen dollars (\$466,415) is appropriated from the Sanitation Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Other Operating Expenses | \$466,415 |
|-----|--------------------------|-----------|

### Paragraph Four - Miscellaneous (942042)

For setting aside reserve for depreciation and the payment of taxes, the sum of four hundred fourteen thousand, fifty dollars (\$414,050) is appropriated from the Sanitation Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Depreciation             | \$298,872 |
| (2) | Bond Issue cost          | 13,083    |
| (3) | Land and steam agreement | 102,095   |

### Paragraph Five - Sanitary Recycling (952042)

For the current expenses of the SANITARY RECYCLING, a division of the Sanitation Fund, the sum of four hundred twenty-one thousand, seven hundred twenty-two dollars (\$421,722) is appropriated from the Sanitation Fund to be apportioned as follows:

- |     |                   |           |
|-----|-------------------|-----------|
| (1) | Personal Services | \$282,873 |
|-----|-------------------|-----------|

(2) Other Operating Expenses 138,849

Paragraph Six - Capital Outlay (972043)

For the capital improvements of the SANITATION FUND, a division of the Sanitation Fund, the sum of one hundred twenty-three thousand dollars (\$123,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlay \$123,000

Paragraph Seven - Debt Service (982042)

For the payment of the interest on and the retirement of bonds of the SANITATION FUND, the sum of one million, five hundred five thousand, eight hundred seventy-four dollars (\$1,505,874) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$1,505,874

Paragraph Eight - Transfers (990242)

For transfers to Capital Projects for landfill closure and monitoring costs of the Sanitation Fund. The sum of thirty thousand dollars (\$30,000) is appropriated from the Sanitation Fund to be apportioned as follows.

(1) Transfers to Sanitation Capital Projects \$30,000  
Fund

S U M M A R Y

**Expenditures and Revenue**

Total Sanitation Fund appropriations  
for the Fiscal Year Ending June 30, 1996 \$4,194,722

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

Revenue from use of Money & Property (Est.)	\$66,000
Charges for Services (Est.)	2,081,000
Recovered Costs (Est.)	106
Miscellaneous Revenues	27,100

Transfers (Est.)	<u>2,020,516</u>
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Total Sanitation Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1996	<u>\$4,194,722</u>
---	--------------------

SECTION XI - 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, 1996:

Paragraph One - Parking Authority (20)

For the current expenses of the PARKING AUTHORITY, a division of the Parking Authority Fund, the sum of three hundred forty-two thousand, nine hundred seventy-four dollars (\$342,974) is appropriated from the Parking Authority Fund to be apportioned as follows:

(1) Personal Services	\$62,955
(2) Other Operating Expenses	94,291
(3) Capital Outlay	160,000
(4) Transfers	25,728

S U M M A R Y

**Expenditures and Revenues**

Total Parking Authority Fund Appropriations for the fiscal year Ending June 30, 1996.	<u>\$342,974</u>
--	------------------

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

Amount from Fund Balance (Est.)	\$36,297
Fines and Forfeiture (Est.)	60,000
Charges for Services (Est.)	97,589
Transfers (Est.)	<u>149,088</u>

Total Parking Authority Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1996	<u>\$342,974</u>
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SECTION XII - 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, 1996:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of three hundred eighty-nine thousand, five hundred four dollars (\$389,504) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$277,019
(2) Other Operating Expenses	112,485

Paragraph Two - Capital Outlay (672141)

For the capital improvements of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of three thousand five hundred dollars (\$3,500) is appropriated from the Central Garage Fund to be

apportioned as follows:

(1) Capital Outlay	\$ 3,500
--------------------	----------

### S U M M A R Y

#### Expenditures and Revenue

Total Central Garage Fund appropriations for the Fiscal Year ending June 30, 1996	<u>\$393,004</u>
--	------------------

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

Charges for Services (Est.)	\$250,000
Transfers from other Funds (Est.)	<u>143,004</u>

Total Central Garage Fund Revenue (Estimated) for the Fiscal Year ending June 30, 1996	<u>\$393,004</u>
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### SECTION XIII - 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, 1996:

#### Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, a division of the Central Stores Revolving Fund, the sum of ninety-three thousand, nine hundred seventy-two dollars (\$93,972) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$57,403
(2) Other Operating Expenses	36,569

### S U M M A R Y

#### Expenditures and Revenue

Total Central Stores Fund Appropriations for the Fiscal Year ending June 30, 1996	<u>\$93,972</u>
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To be provided for from the following Anticipated Revenue, which is as follows:

Transfers from other Funds (Est.)	<u>\$93,972</u>
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Total Central Stores Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1996	<u>\$93,972</u>
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TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XII  
IN THIS ORDINANCE

**FOR THE FISCAL YEAR ENDING JUNE 30, 1996**  
**RECAPITULATION**

Section I	(General Fund)	\$38,296,090
Section II	(School Fund)	25,748,676
Section III	(General Capital Projects Fund)	2,035,480
Section IV	(Water Capital Projects Fund)	670,500
Section V	(Sewer Capital Projects Fund)	448,000
Section VI	(Sanitation Capital Projects Fund)	30,000
Section VII	(Water Fund)	3,925,722
Section VIII	(Sewer Fund)	4,791,254
Section IX	(Public Transportation Fund)	2,185,619
Section X	(Sanitation Fund)	4,194,722
Section XI	(Parking Authority Fund)	342,974
Section XII	(Central Garage Fund)	393,004
Section XIII	(Central Stores Fund)	<u>93,972</u>
TOTAL APPROPRIATIONS		<u>\$83,156,013</u>

**SECTION XIV**

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

That the rate of taxation of Real Estate be fixed at \$0.62 (Sixty-two cents), collectible one half on or before December 5, 1995 and one half on or before June 5, 1996, 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 1995; 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, 1995 and one half on or before June 5, 1996. 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, 1995, and ending June 30, 1996, 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, 1995.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

City Manager Stewart presented a request from Solid Waste Director Holsten for approval of a supplemental appropriation in the amount of \$73,388 for the sale of surplus equipment from the City Landfill to purchase ash hauling equipment. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$73,388 chge. to: 2014-31907 Sale of Surplus Equipment

\$73,388 approp. to: 2014-972043-48151 Vehicles and Equipment

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

Helen Hanson stated that concern was expressed about the recent decision to stop the dismantling of the water tower on South High and convert the tower into a radio or cellular phone tower at

the recent Southwestern Neighborhood Association. She said the association would like to know the ramifications such as would the tower become an attractive nuisance, cause electrical problems or magnetic field problems, increase static on the phones or radios or become an eyesore. She said residents of Park View had fought a similar tower in their neighborhood because of these same concerns. City Manager Stewart said he had referred the Southwestern Neighborhood Association's letter to Planning and Community Development Director Turner. Mrs. Turner will respond to the concerns of the association.

Sheryl Wyse presented an application for support of the competitive Virginia Preschool Initiative for at-risk four year olds in the Harrisonburg City Schools. She said the City has many families in need of a family-focused program and the initiative funding will assist in providing such a program. The current City enrollment for 1994-95 is 50 students. The Social Services Department has provided information which projects 97 students will be eligible for enrollment in 1995-96. If classroom space is available 75-80 of these children will probably attend the at-risk for four year old program. She said in order to receive the state share of \$60,750 the City must provide \$74,250 of which 25% could be an in-kind service leaving a balance of \$55,687 in new local dollars which is in the School Board budget. The School Board strongly supports this program because it is preventive and money spent now will save money later in costs. The funding would be used to provide "Wraparound Services" which would increase the school day from 4 1/2 hours to full days and lengthen school year from 165 school days to 180 school days. Following further discussion and comments, Council Member Weaver offered a motion to authorize the City Manager to sign this grant for at-risk four year old children. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart presented a list of local officials to serve on the Virginia Municipal League Policy Committees. Mr. Stewart recommended that Stacy Turner serve on the Community Development and Public Safety Committee, Mike Collins serve on the Environmental Quality Committee, Lester Seal serve on the Finance Committee, Steven Stewart serve on the General Government Committee, Council Member Agnes Massie Weaver serve on the Human Development and Education Committee, and Reggie Smith serve on the Transportation Committee. Vice-Mayor Dingledine offered a motion that these recommendations be approved. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart announced that a town meeting will be held on May 31, at 7:30 p.m. at Keister Elementary School.

City Manager Stewart stated that at the April 25th Council meeting a supplemental appropriation was presented for a first reading for the closure of the City's old landfill. He said in addition to the appropriated funds of \$295,000 from a capital

project reserve fund another \$202,000 would be needed from revenues in the general fund to meet the low bid on the closure. However, Solid Waste Director Holsten has been working with the engineers on other options to reduce this cost and has been able to accomplish it. Mr. Stewart said the City can continue with the in-house forces and it will not be necessary to move the \$202,000 from the general fund. He also recommended that the \$295,000 remain in the capital reserve fund. A second reading will not be needed for the supplemental appropriation.

City Manager Stewart announced that the repairs on the front of the municipal building should be completed by May 19.

City Manager Stewart said that during the week of May 22 a report should be received from the National Golf Foundation.

At 8:45 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 Industrial Development Authority, Social Services Advisory Board, Deer Population Task Force, Blue Ridge Community College Local Board, Central Shenandoah Planning District Commission, Community Services (Chapter 10) Board, and Blue Ridge Diversionary Program Community Corrections Resources 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 sale of publicly owned real property, 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 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 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.

Vice-Mayor Dingledine offered a motion that Agnes Massie Weaver, 247 Campbell Street, be appointed to a term on the Central Shenandoah Planning District Commission to expire on June 30, 1998. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that Rachel Hollis, 165 Diamond Court, be appointed to a second term on the Community

Services (Chapter 10) Board to expire on July 1, 1998. The motion was seconded by Vice-Mayor Dingledine, and approved with a four to one vote of Council with Council Member Rogers abstaining.

Council Member Weaver offered a motion that Jackson E. Ramsey, 282 Franklin Street, be appointed to a second term on the Community Services (Chapter 10) Board to expire on July 1, 1998. The motion was seconded by Vice-Mayor Dingledine, and approved with a four to one vote of Council with Council Member Rogers abstaining.

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

Yvonne Ryan  
CLERK

John H. Nipp  
MAYOR

## REGULAR MEETING

MAY 23, 1995

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 consent agenda including approval of the minutes and the second reading of a supplemental appropriation for the sale of surplus equipment from the City landfill. The motion also included setting a public hearing date of June 27 to consider the rezoning requests of Sherwin Jacobs and Jerome Kern Johnson. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:35 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 Thursday, May 11, and Friday, May 12, 1995:

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 23, 1995, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, VA.**

**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, 1995, and be for a three year term to June 30, 1998.**

**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 may be conducted by City Council. Time of interviews will be determined by City Council.**

**Steven E. Stewart  
City Manager**

Mayor Neff asked if there was anyone present desiring to be considered for the School Board. Joan V. Krumm, expressed her desire to serve on the School Board from the east ward.

Patricia W. Jones, expressed her desire to serve on the School Board from the east ward.

Dave Gibbs, expressed his desire to serve on the School Board from the east ward. City Manager Stewart stated a letter had been received from Alvin Pettus requesting that Council consider his re-appointment to a second term on the School Board from the west ward. City Clerk Ryan placed in nomination Robert B. Frazier's name. Mayor Neff read the names of the following persons who have indicated a desire to be considered for the School Board: Alvin Pettus, Joan V. Krumm, Patricia W. Jones, Dave Gibbs, and Robert B. Frazier. There being no others desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened.

At 7:50 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, May 5 and Friday, May 12, 1995.

**The Harrisonburg City Council will hold a public hearing on Tuesday, May 23, 1995 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:**

**Richard Blackwell, Jr.'s request, as agent representing property owner Forbes Crutchfield General Partnership, to rezone 9.88 acres of a 28.66 acre parcel located on the northwest corner of Peach Grove Avenue and Port Republic Road, from B-2 "General Business District." to R-3 "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 retained 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. This property is shown as the rear portion of Lot 6, Block F. Sheet 92 on Harrisonburg Block Maps.**

**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 and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this request was from Richard Blackwell Jr., acting as an agent for Forbes Crutchfield General Partnership to rezone 9.88 acres located on Peach Grove Avenue and Port Republic Road from B-2 "General Business District" to R-3 "Multiple Dwelling District." She said the property is part of a larger tract consisting of 28.66 acres which is zoned B-2 "General Business." The owners have stated that if the parcel was rezoned the intended use would be for multi-family housing for off-campus college students. The maximum allowable density of this property (9.88 acres) if rezoned to R-3 would be 143 units containing a maximum of 572 residents. The planned business category in the Comprehensive Plan is intended to contain areas which are suitable for commercial development, but which needs careful controls to ensure

compatibility with adjacent land uses. Mrs. Turner referred to the development being close to the Elementary School which raises concern of any surrounding land use, and also the capability of the adjacent streets, Peach Grove and Port Republic Road and the added commercial traffic impact. She said after the Planning Commission had listened to area residents and Mr. Blackwell comments at their meeting it had recommended denying the rezoning request.

Mayor Neff called on anyone present desiring to speak either for or against this rezoning request.

Richard Blackwell, representing the property owners, commented on a number of things about the rezoning request including that the utilities are adequate for a change in zoning in this area. He also spoke about the road systems and although Port Republic Road is currently only two lanes it is planned to be widened in the future and this property as a residential development would add less traffic to the streets than businesses. Most businesses, retail or other type, generally average less than 20% green space on the environment.

Cathy McClatchy, who lives near Keister Elementary School, spoke in opposition to the rezoning because it will put more students in a given area that will make it even more congested. She said she realizes that the traffic flow is set-up much better around Stone Spring School, but to put that many students in one area is going to create one big mess.

Art Strunk, as a resident of the Ashby Heights community, said the community opposed the rezoning and felt like it had done more than its fair share of student housing in the area.. He said traffic is very congested now and any increase traffic from student housing would be a bigger problem in the future. He also said he did not like the threatening tone of a letter sent to residents from the Forbes Crutchfield General Partnership.

James Geary, an Ashby Heights resident living on Nelson Drive, spoke in opposition to the rezoning request. He said the residents of Nelson Drive support the careful considered master plan of controlled future growth within the City that already exists and that the City should stick to the plan.

Barbara McKee, of Windsor Road in Ashby Heights, discussed the negative environmental impact the rezoning will cause to the surrounding community. She said there are four problem areas which need to be considered. Air pollution is one of the biggest environmental problems in which a tremendous increase in automobiles will place an excessive number of cars into the area dispensing pollutants in the air. Noise pollution will have a negative environmental impact in the immediate area. She said the influx of more students decreases the number and types of wildlife in the community. A high volume of student cars parked on asphalt will have a higher concentration of gasoline, oils and other chemicals that could wash into the tributary that leads into Blacks Run and into the North River. The last impact will be the litter added to the litter from a commercial development which will be a continuous eyesore to the neighborhood as well as the City.

Pat Jones, President of Stone Spring Elementary PTA, said that the elementary school has concerns about the rezoning and subsequent development of medium to high density student housing. She said there has already been some damage to the playground equipment and the basketball rims by older children or young adults. Another concern is the possibility of parties spilling over to school property.

Ed McKee, said there are some common sights on Port Republic Road which are familiar such as bicyclists wearing dark clothing without lights, cars darting into traffic, and changing lanes in a dangerous fashion. It would be difficult for the police department to maintain the safety standards if more student housing was developed in this area. Mr. McKee summarized the objections to

affects, to the economy, environment, children, safety and traffic. Zoning should be in the interest of public health, safety and welfare. There being no others desiring to be heard, the public hearing was declared closed at 8:14 p.m., and the regular session reconvened. Council Member Lantz in making a few observations noted that a lot of the problems mentioned tonight will not go away regardless of whether the zoning is business or R-3. He said traffic will continue to be a problem and if it is zoned business it will be a greater problem. He also mentioned that this land should be compatible with the adjacent land owners, but if this tract of land was developed into business it would not be compatible to what most of the residents want it to be. Mayor Neff stated that he served on the committee that worked on the Comprehensive Master Plan and one of the reasons this property was identified as planned business rather than strictly business was because the development of the property had to be sensitive to the adjacent property areas. Following further discussion and comments, Council Member Weaver offered a motion to accept the Planning Commission recommendation to deny the rezoning request. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

At 8:25 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, May 5 and Friday, May 12, 1995.

**The Harrisonburg City Council will hold a public hearing on Tuesday, May 23, 1995 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:**

**Henry Clark's request, as agent for the property owner T&T Real Estate, to rezone 8 lots and portions of 2 others, combined with portions of 2 closed streets and a vacated alley, located adjacent to the undeveloped right-of-way of Dogwood Drive, north of Third Street, from R-1 "Single Family Residential District" to B-2 Conditional "General Business District". The B-2 district is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive and miscellaneous recreational and service activities. The Comprehensive Plan recommendation for this property is "Commercial". The "Commercial" land use category is intended for uses which "includes retail, wholesale, or service functions. These areas are found along the major travel corridors and in the Central Business District of the City." This property is shown as lots 1 through 4, 11 through 14, portions of Lots 5 and 10, and portions of the closed and vacated right-of-way of Fourth Street, Willow Street and an alley, in Block P, Sheet 39, on Harrisonburg Block Maps.**

**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 and Community Development Director Turner presented a rezoning request from Henry Clark as agent for the property owner T&T Real Estate to rezone eight lots and portion of two others combined with portions of two closed streets and a vacated alley from R-1 "Single Family

Residential District" to B-2 Conditional "General Business." Mrs. Turner called Council's attention to a large scale map of the area and explained that the subject properties are located adjacent to the undeveloped right-of-way of Dogwood Drive, north of Third Street. She said with this application the applicant has offered some proffers which would make this a conditional zoning request. The owners have selected things out of the B-2 zoning that would be appropriate for use of the property. This includes wide variety of retail shopping, commercial, automotive and miscellaneous recreational and service activities. The Comprehensive Plan recommendations for this property is "Commercial". However, Mrs. Turner stated, there was a concern with the rezoning as the Director of Public Utilities has indicated that the nearest fire hydrant to the subject property may have insufficient fire flow for business uses. The Fire Department officials have indicated that this is an acceptable flow for Single-Family development, for what the property is zoned for right now, but that for any type of business use of the property, it will have to be increased. She said the property is well in accordance with the Comprehensive Plan for this area and the Planning Commission is recommending approval of this request.

Mayor Neff called on anyone present desiring to speak either for or against this rezoning request.

Steve Weaver, spoke on behalf of the applicant - T&T Real Estate. He presented a drawing outlining the parcel to be rezoned. Since the proffers had been presented he mentioned the evergreen buffer and closing off Third Street which seem to have commercial traffic problems. He said with this rezoning hopefully this zoning classification will make the property useable. CFW would like for the center area to be used for their facility. Mr. Weaver said this rezoning would make a great improvement to the area. There being no others desiring to be heard, the public hearing was declared closed at 8:30 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve the rezoning as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 8:34 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, May 5 and Friday, May 12, 1995.

**The Harrisonburg Redevelopment and Housing authority, contract purchaser of those properties described as Tax Map Parcels 34-R-0, 1, 2, 3A, 4A, 6 & 7 (aggregating approximately 1.4 acres), which are located on the west side of Community Street and east side of North Mason Street between East Wolfe and East Elizabeth Streets, requests to rezone the parcels from M-1 general Industrial District" to B-1 "Central Business District". The M-1 District is intended primarily for the manufacture, processing, storage and distribution activities which are not properly associated with, nor compatible with, residential and institutional development. The B-1 District is intended to be the urban and regional center for the conduct of commercial , financial, professional and government activities to which the public requires direct and frequent access. The Comprehensive Plan recommendation for the property is "Commercial". The "Commercial" land use category is intended for areas along major travel corridors and in the central Business District of the City.**

**Any persons 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 and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this request was from The Harrisonburg Redevelopment and Housing Authority to rezone Tax Map Parcels 34-R-0, 1, 2, 3A, 4A, 6 & 7 (aggregating approximately 1.4 acres), located on the west side of Community Street and the East side of North Mason Street between East Wolfe and East Elizabeth Streets, from M-1 "General Industrial District" to B-1 "General Business District." Mrs. Turner said that lots 3, 4, and 5 are already zoned B-1 "Central Business District" and the remaining portions and property on the other side of Community Street is still zoned M-1 "General Industrial" which reflects past uses of the property. The HRHA has an option to purchase this property and is intending to use it as offices for combined Social Services of the City and the County and also Harrisonburg/Rockingham Health Department. She said to utilize the property as offices the property must be rezoned. As the property is in conformance with the Comprehensive Plan the Planning Commission is recommending the rezoning request. Mayor Neff called on anyone present desiring to speak either for or against this rezoning request.

Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, explained that HRHA is also requesting that the property presently known as Bridgeport Manufacturing property be rezoned B-1 as well as the former bakery. This will allow for the opportunity for expanded businesses to take advantage of the activity that will be created by the Social Services and Health Department. Negotiations are in process with the property owners on Mason Street to open all the area for parking. There being no others desiring to speak, the public hearing was declared closed at 8:36 p.m., and the regular session reconvened. Vice-Mayor Dingleline offered a motion to accept the Planning Commission recommendation for the rezoning request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request authorizing the City Attorney to draft an ordinance concerning tax abatement for redeveloped properties in the Central Business District. He said the Committee for Downtown has asked that Council consider tax abatement on redeveloped properties in the Central Business District for a period of five years. Mr. Stewart explained that City Attorney Thumma had researched tax abatement concerning the downtown area in December, 1993. City Manager Stewart said the Code of Virginia would allow the City to give tax abatement for existing downtown building at least 25 years old or older and the abatement would be for the assessed value of the improvements. Jim Deskins stated that the Committee for Downtown has recommended this abatement as a way in trying to improve the downtown area. This would provide a tool that will enable the Downtown Committee in marketing older property located in the downtown area. Following further discussion and comments, Council Member Weaver offered a motion to authorize the City Attorney in conjunction with staff to draft an ordinance that will allow tax abatements for improvements to downtown building. 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 May 17, 1995.

"...Chairman Wassum read the request for approval of Final Subdivision Plat for Section One, Interstate Properties and asked the City Planner to review.

City Planner Turner explained that this was a request for a final subdivision plat approval, Section One, Interstate Properties Subdivision. Interstate Properties owns approximately an 8.5 acre parcel bounded on the north by South Main Street, the East by Pleasant Valley Road, the west by an Interstate 81 entrance ramp and the south by the South bound lane of Interstate 81. It is proposed to be divided into 2 lots. Lot 1 consists of 3.08 acres and is currently undeveloped at this time. Lot 2 consists of 4.669 acres and contains the Ramada Inn.

The only reason this is coming before Planning Commission is because it was too large to do under the minor subdivision process. There are no public streets involved, nothing that needs to be bonded or guaranteed at this time and there were no problems with it meeting zoning ordinance requirements. This property is zoned B-2 "General Business District" and it meets all requirements of our zoning classification. The purpose is to divide it into two parcels, so the vacant one can be conveyed separately. It is recommended for approval as presented..."

Mr. Rexrode moved for approval. Ms. Whitten seconded. All voted aye.

Respectfully submitted,

Stacy Turner  
City Planner

Planning and Community Development 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 for Section 1, Interstate Properties Subdivision. She said the 8.5 acre parcel is bounded on the north by South Main Street, the East by Pleasant Valley Road, on the west by Interstate 81 entrance ramp and the south by South bound lane of Interstate 81. It is proposed to be divided into two lots with Lot 1 consists of 3.08 acres and currently undeveloped at this time. Lot 2 consists of 4.669 acres and contains the Ramada Inn. She said the reason this could not go through a minor subdivision process is because it is too large to do under the minor subdivision process. There are no public streets involved, nothing that needs to be bonded or guaranteed and there were no problems with it meeting zoning ordinance requirements so the Planning Commission recommended it for approval. Council Member Rogers offered a motion to accept Planning Commission's recommendation for approval. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Vice-Mayor Dingledine offered a motion granting Shenandoah Shakespeare Express, Inc. request to display across South Main Street within the Central Business District, a banner from June 9, 1995 to June 30, 1995. 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:

**WHEREAS, the County of Rockingham and City of Harrisonburg currently receives court services for the District Court through the District 39 Probation and Parole Office of Department of Corrections; and**

**WHEREAS, the Virginia General Assembly has adopted legislation entitled the Comprehensive community Corrections Act for Local Responsible Offenders (Sections 53.1-180 et. seq of the Code of Virginia, 1950, as amended) and the Pretrial Services Act (Sections 192.-152.2 et. seq of the Code of Virginia, 1950 as amended), both of which are effective July 1, 1995; and**

**WHEREAS, the localities have been advised that funding for the court services position through the Department of Corrections will not continue after July 1, 1995 since the enactment of the aforementioned acts will provide funding elsewhere in the state's budget for this purpose; and**

**WHEREAS, the County and the City believe that working together on community corrections is in the best interest of the citizens of their jurisdictions, and will result in a reduction in administrative costs to each locality, promote efficiency in offender supervision and provide for a comprehensive regional offender database; and**

**WHEREAS, the County of Rockingham has agreed to serve the role of fiscal agent for the newly created Department of Court Services,**

**NOW, THEREFORE, BE IT RESOLVED that the County of Rockingham and the City of Harrisonburg agree to implement the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act and to:**

- 1. join in the creation of the Harrisonburg-Rockingham Community Criminal Justice Board,**
- 2. appoint a member of each governing body, and the Harrisonburg city Manager and Rockingham County Administrator to serve as members of the Board,**
- 3. work jointly to appoint the remaining members to the Board as required under the law,**
- 4. authorize the submission of a grant application to Department of Criminal Justice Services after approval from the Harrisonburg-Rockingham Community Criminal Justice Board,**
- 5. designate Rockingham County as the fiscal agent for the Department of Court Services.**

**Adopted this 24th day of May, 1995, by the Rockingham County Board of Supervisors.**

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**Pablo Cuevas**  
**Chairman, Board of Supervisors**

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**William G. O'Brien**  
**County Administrator**

**Adopted this 23rd day of May, 1995, by the Harrisonburg City Council.**

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**John N. Neff**  
**Mayor**

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**Yvonne Ryan**  
**City Clerk**

City Manager Stewart explained that this resolution would establish that both the City and County are applying for funds to set-up the new Harrisonburg/Rockingham Community Criminal Justice Board. He said this resolution would continue this process so the City could start receiving funding effective July 1, 1995 for the joint operation and would also designate Rockingham County as the fiscal agent. The final part would be to approve a joint Harrisonburg/Rockingham Criminal Justice Board that would oversee the operations for this program. A list of potential members was presented which states that some members must be on the Criminal Justice Board. The members subject to Council approval and the Board of Supervisors approval meeting held on May 24, 1995 are an educator, someone from the Board of Supervisor and a member from City Council. Council Member Weaver offered a motion to adopt this joint resolution between Harrisonburg and Rockingham County for the establishment of the Criminal Justice Board. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart presented an agreement with Harrisonburg Electric Commission that would allow the City to use Draper Aden Engineering services to look at the idea of co-generation of electric at the City's resource recovery facility. This would be in conjunction with the work that is currently being designed to add to the steam plant that would allow for heating and cooling of the CISAT campus at JMU. If it is determined to be feasible by Draper Aden that electricity can be produced at reduced cost then HEC will make a decision to go forward depending on the initial capital investment. The design work involved would be reimbursed by HEC to the City. Vice-Mayor Dingledine offered a motion to approve this agreement. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Human Resource Director McBride presented revisions to the Personnel Policy Manual. These are based on a review that was recently completed. Most of the revisions are to clarify and strengthen existing policies. These changes include clarifying employees in the City who are eligible for benefits, changes to the holiday pay, revisions which adds an leave accrued schedule for fire department personnel and school bus drivers, what constitutes overtime, and call-back time which guarantees employees that work emergency hours will be paid protective overtime. Council Member Weaver offered a motion to approve these changes in the Personnel Policy Manual. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a transfer of budgeted funds for maintenance and repair on the Waren-Sipe House, the City's share of the judicial budget, Courthouse renovation,

Juvenile Detention Home and the professional services for the golf course.. Vice-Mayor Dingledine offered a motion for the appropriation to be approved, and that:

\$62,663 chge. to: 1000-980142-49126 Public Facility Lease - Interest  
\$47,447 chge. to: 1000-940111-49310 Reserve for Contingencies

\$270 approx. to: 1000-910511-43361 Maintenance & Repair 301 S. Main Street  
\$21,009 approx. to: 1000-910511-43860 Rockingham-City share Judicial Exp.  
\$61,321 approx. to: 1000-910511-48108 to Courthouse Renovation  
\$6,010 approx. to: 1000-910411-47030 Juvenile Detention Home  
\$21,500 approx. to: 1000-710171-43100 Professional services (golf course)

The motion was seconded by Council Member Rogers, and approved with a recorded four to one vote of Council with Mayor Neff abstaining.

City Manger Stewart presented a request for approval of a supplemental appropriation in the amount of \$1,500 to replace budgeted money with funds received from the Division of Motor Vehicles. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$1,500 chge. to: 1000-32520 Police DMV Grant  
\$1,500 approx.. to: 1000-310131-46140 Other operating supplies.

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

Council Member Rogers suggested that a letter should be sent to Daphyne Thomas expressing thanks for her support and help in obtaining a grant for the Harrisonburg Redevelopment and Housing Authority through the Commonwealth of Virginia's Transportation Enhancement Program Committee.

Council Member Lantz mentioned that as a member of the golf feasibility study committee he would like to have some contact with the National Golf Foundation Company to hear more details about the preliminary results of the study. He suggested that a conference telephone call should be placed between the Liaison Committee and Council. Following further discussion and comments, City Manager Stewart will arrange for a conference call for those members who can attend.

Mayor Neff said there is a lot of comments, concerns, and interest in having soccer in the City of Harrisonburg. He requested that the Parks and Recreation Commission give this interest some consideration.

Planning and Community Development Director Turner introduced Rajat Sarkar the new City Planner.

City Manager Stewart said it had been suggested that the new consolidated City and County Social Services Agency be called the Harrisonburg/Rockingham Department of Social Services.

City Manager Stewart reminded everyone that a town meeting will be held on May 31, at 7:30 p.m. at Keister Elementary School.

At 9:25 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 Industrial Development Authority, Social Services Advisory Board, Blue Ridge Community College Local Board, Central Shenandoah Planning District Commission, Shenandoah Valley Private Industry Council, Blue Ridge Diversionary Program Community Corrections Resources Board, Deer Population Task Force, City School Board, and Harrisonburg/Rockingham County Criminal Justice Board 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)(7) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved in a unanimous recorded vote of Council.

At 11:10 p.m., the executive session was declared closed and the regular session reconvened. City Manager Stewart 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 Jean Gearing, 813 Oak Hill Drive, be recommended for appointment to a first term on the Blue Ridge Community College Local Board to expire on June 30, 1999. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Rajat Sarkar, 1702-B South Dogwood Drive, be recommended for appointment to a first term on the Central Shenandoah Planning District Commission to expire on June 30, 1998. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that Douglas J. Bullett, 109 Diamond Court, be recommended for appointment to a first term on the Industrial Development Authority to expire on April 24, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

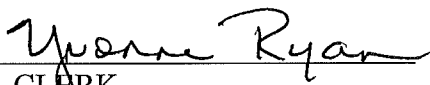
Vice-Mayor Dingledine offered a motion that Jo Ann Hughes, 317 Franklin Street, John H. Sellers, 745 Circle Drive, Frank Wiseman, 1191 Garbers Church Road, Charles Morrison, 81 Middlebrook Street, and Richard Tysinger, 860 Garbers Church Road, be recommended for

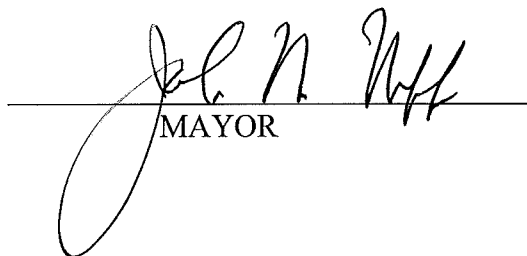
appointment to the Deer Population Task Force. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Agnes Massie Weaver, be recommended for the Local Community Criminal Justice Board which will be contingent upon Board of Supervisor appointee and approval of entire group. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Agnes Massie Weaver be recommended for appointment to the Shenandoah Valley Private Industry Council. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:17 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## REGULAR MEETING

JUNE 13, 1995

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.

Vice-Mayor Dingledine delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda including approval of the minutes and the second reading of a supplemental appropriation to replace budgeted money with funds received from the Division of Motor Vehicles. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

✓ Dr. Robert A. McKearney, a board member of the Harrisonburg Soccer Association, which promotes soccer in the community, said the City needs more soccer fields. Dr. McKearney said that among a youth soccer league, an adult league and a Hispanic league, there are at least 1,000 players involved in soccer. He said there is only one soccer field of a permanent nature which is at the middle school, but it is used by the high school for their varsity soccer teams and is not accessible to the public. The Hispanic league has ten teams and it is currently using a playing field at the fair ground, and there are 240 participants paying \$35 each to Eastern Mennonite University for use of its facilities. He said soccer can be such a family-oriented activity and it is growing in this area due to a lot of volunteers becoming involved as coaches, referees, and a soccer clinic. He urged the City Council to provide some more soccer fields in the City.

Patricia May, Director of Public Relations at Rocco, stated that Rocco, Inc., wanted to urge the City of Harrisonburg to consider developing soccer fields as part of their overall recreational program. She said the Hispanic citizens of this community have dedicated significant effort and a high degree of personal interest in the sport by forming a very successful soccer league with ten teams. Harrisonburg lags behind many other communities that offer soccer because it has no soccer fields and no leagues organized through the City's recreation department. She said by offering soccer leagues it could provide a positive aspect to potential applicants re-locating to the City. Council Member Rogers commented that soccer would be fantastic for the community and would provide another recreational outlet for the children of the City. He questioned whether corporate financial support would be available for the sport. Ms. May said that Rocco, Inc., could not promise a dollar amount, but the company is committed to the creation of soccer fields and has already helped repair a field at the Rockingham County Fairgrounds used by the Hispanic league. Mayor Neff suggested that the Harrisonburg Soccer Association, the Parks and Recreation Commission and other

businesses in the area work together on a long-range plan for developing more soccer fields for leagues for the children and adults.

✓ Ben Fordney, President of Friends of Hillandale Park, appeared before Council to suggest some future activities for the park. He said the group's interest for the park does not include a golf course and that the group was pleased that National Golf Foundation delivered a negative report on the feasibility of a golf course at Hillandale. However, the group is concerned about the next phase that will determine whether Hillandale is architecturally suitable for a golf course and will this data subsequently change the recommendation against the project in the next three to five years. It is a concern that the park will be held hostage in the unlikely event that alternative financing cannot be found. The Friends of Hillandale Park suggested that the park be used for outdoor concerts, nature trails and walks, guided hikes, bird watching, 5 and 10K runs, flower identification, and bike paths. Lynn Cameron with the Shenandoah Seriera Club requested that the City Council terminate the feasibility study for the golf course. She said the group is opposed to any further exploration of the idea of building a golf course that would disturb the only natural environmental setting in Harrisonburg. A golf course would not serve the entire population and the group would like to see the children of the community taken into consideration and their recreational needs.

Kathleen Fovargue requested that Council not fund the site study as residents of the area would like to see a large part of Hillandale Park left undeveloped since it serves as an outdoor school room for the middle and elementary schools.

✓ Transportation Director Smith explained that proposed cuts in federal funding could reduce assistance to the City by about \$200,000 for public transportation. He said Congress has proposed cutting the Department of Transportation funding by approximately \$25 billion dollars of which \$18 billion would be cut from public transportation. Mr. Smith said last year Harrisonburg received \$360,000 in operating funds and \$80,000 in capital funds which would be lost this year by the budget cut proposals. He requested that Council and JMU consider expressing opposition to the proposed cuts by sending a letter to Congress. In Harrisonburg public transportation is not used by everyone, but it is a part of everyone's life. If these proposed cuts are made, additional funding will be needed for the City from another source. Council Member Rogers offered a motion that Council send a letter to Congress in support of equal sharing for all areas and not targeting public transportation. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council. The motion included contacting JMU for its support on this issue.

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

**As the Harrisonburg City Department of Social Services and the Rockingham County Department of Social Services will be consolidated effective July 1, 1995, to become the Harrisonburg Rockingham Social Services District, and as the new District agency will be providing services to the citizens of the localities of Harrisonburg City and Rockingham County, therefore, be it resolved that effective July 1, 1995,**

(1) all property, equipment, and vehicles of Harrisonburg City Social Services be transferred to the Harrisonburg Rockingham Social Services District Board,

(2) all Special Welfare accounts of Harrisonburg City Social Services be transferred to the Harrisonburg Rockingham Social Services District Board,

(3) All employees of Harrisonburg City Social Services will cease to be employees of Harrisonburg City and will become employees in the same positions with the Harrisonburg Rockingham Social Services District Board, without loss of benefits, salary, or status,

(4) All children in the custody of Harrisonburg City Social Services will be transferred to the custody and care of the Harrisonburg Rockingham Social Services District.

(5) As per Section 63.1-44.1 of the Code of Virginia, the City Manager is appointed to serve as a member of the Harrisonburg Rockingham Social Services District Administrative Board.

\_\_\_\_\_  
Date

\_\_\_\_\_  
John N. Neff, Mayor

Attest:

\_\_\_\_\_  
City Clerk

City Manager Stewart explained that this resolution will consolidate the City and County Departments of Social Services into the Harrisonburg Rockingham Social Services District, effective July 1, 1995. The resolution contains a number of items that need to occur before the consolidation can become effective including all property, equipment and vehicles, and all special welfare accounts transferred to the Harrisonburg Rockingham Social Services District Board. All employees will become employees of the district with the same status and all children in custody of the district will be transferred to the custody and care of the Harrisonburg Rockingham Social Services District. Mr. Stewart said according to the amended code section the City Manager should be appointed to serve as a member of the Harrisonburg Rockingham Social Services District Administrative Board. Council Member Weaver offered a motion to approve the resolution as presented including appointing the City Manager to serve on the District Administrative Board. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council. Council Members expressed their appreciation to City Manager Stewart, Assistant City Manager Baker, Council Member Lantz, Mayor Neff and Social Services Director Driver for all the hard work involved in consolidating these two agencies.

City Manager Stewart explained that following the conference call with Barry Frank, Manager of National Golf Foundation Consulting, Inc., several Council Members expressed a desire

to proceed with Phase II - Preliminary Site Analysis of the Golf Course Feasibility Study. Mr. Frank said in his preliminary draft study that in today's market it did not make sense for the City to consider building a municipal golf course; however, in terms of looking at long range planning the City should evaluate the two sites and let Council determine if one site was better than the other for a golf course. Council Member Rogers commented that upon being present for the conference call the City should proceed with Phase II of the study to obtain some other options for the future. Vice-Mayor Dingledine commented that the City should move forward with Phase II of the study. She said the issue needs to be settled as to which properties should be developed. Council Member Lantz commented that there had been a lot of misconception about what Council is trying to do, especially in the media, concerning building a municipal golf course to provide a recreational service for the community and to produce revenue for the City. He said in his opinion the City would never be home to a golf course unless it is done by a private-public joint venture, even though the City originally bought the Lineweaver property with a golf course in mind. He suggested that Council should proceed with Phase II of the potential golf course study sites not in hopes of building a course it has been advised against, but to know what the options are if the topic comes up in the future. "It would only take two weeks to make this judgement," he said. "We waited this long. We can wait another two weeks." He said it is good long range planning and Council has been criticized in the past for not looking at the long term prospects of the community. But, he added if the cost of building a course at either site is roughly equal, or even if the cost at the Smithland site should prove 20-30 percent higher, then Council should choose Smithland as the only potential location in order to free up the Hillandale area for other uses. Following further comments, Council Member Rogers offered a motion to proceed with Phase II of the Golf Course Feasibility Study. The motion was seconded by Vice-Mayor Dingledine, and approved with a four to one vote of Council with Council Member Weaver voting no.

City Manager Stewart explained that House Bill 1545 provides for special retirement benefits for City and County Managers who are involuntarily separated as defined in 51.11-155.1. He said the provisions of the bill apply to all cities and counties which are members of VRS, unless they elect not to participate. In order to opt out, a locality must notify VRS in writing on or before July 1, 1995. Council Member Weaver offered a motion that Council not support the action as set forth in House Bill 1545. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds for the repairs to the Municipal Building and the cannon. Council Member Rogers offered a motion for the transfer of funds to be approved:

\$27,548 chge. to: 1000-940111-49310 Reserve for contingencies  
5,462 chge. to: 1000-121711-42020 Retirement - VRS

\$33,010 approp. to: 1000-430221-48181 Building and Grounds

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

City Manager Stewart presented a request to transfer funds to the coroner's budget. Council Member Weaver offered a motion for the transfer of funds to be approved, and that :

\$1,000 chge. to: 1000-121711-42020 Retirement - VRS

\$1000 approp. to: 1000-350331-43110 Medical Services - Coroner

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

City Manager Stewart presented a request to transfer funds into capital projects for the Gay Street Bridge reconstruction. Vice-Mayor Dingledine offered a motion for the transfer of funds to be approved, and that:.

\$55,000 chge. to: 1000-410241-43372 Maint. & Repairs - Bridges

\$55,000 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$55,000 chge. to: 1000-34210 Transfer from General Fund

\$55,000 approp to: 1310-910141-48604 Gay Street Bridge

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

City Manager Stewart presented a request for approval of a supplemental appropriation to adjust the budget for an item that was erroneously left off of the original budget. Council Member Weaver offered a motion for the appropriation to be approved for a first reading, and that:

\$102,096 chge. to: 2014-34311 Transfer Land and Steam Agreement

\$102,096 approp. to: 2014-94042-48370 Land and Steam Agreement

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

City Manager Stewart presented a request for approval of a supplemental appropriation for donations to the Fire Department and appropriate Two for Life Funds. Council Member Rogers offered a motion for the appropriation to be approved for a first reading, and that:

\$16,274.12 1000-31809 Donations

884.50 1000-32502 Emergency services - Reimb. Exams

\$16,274.32 1000-320132-41010 Salaries and wages

884.30 1000-350532-46140 other operating supplies

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

Julie Dillenbeck explained that she had contacted Lakey Logan, Parks and Recreation Director, requesting an area near the Kid Castle in Purcell Park on Saturday, June 17th for a Grace Covenant Church youth program. She said the group would be performing five to eight songs with choreography, sign language or drama, with the theme centering around a relationship with Jesus Christ. Ms. Dillenbeck said she had received a very nice polite letter from Lakey Logan advising that City parks cannot be used for fund raising, political, religious or private gain. The group considers that this is discrimination against religious groups using public facilities according to a new federal law. Council will look into this matter.

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. Council Member Rogers offered a motion to authorize the City Manager to execute this quitclaim deed. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 9:10 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 Social Services Advisory Board 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. Discussion and consideration of the acquisition of real property to be used for a public purpose, namely streets, exempt from public meeting requirement pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Vice-Mayor Dingledine, 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.

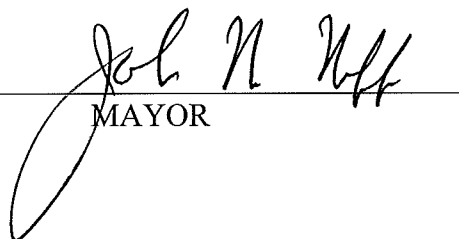
Vice-Mayor Dingledine offered a motion that Robert Frazier, 330 Betts Road, be appointed to a first term of three years on the City School Board. Mr. Frazier's first term will expire on June 30, 1998, and he will be representing the east ward. Council indicated that Mr. Frazier was appointed because of his business background which will provide some diversity on the City School Board.

Council Member Lantz offered a motion that Alvin Pettus, 78 Rex Road, be re-appointed to a second term on the City School Board. Mr. Pettus second term will expire on June 30, 1998, and he will be representing the west ward. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Sallie McBride Strickler, 1017 Smithland Road, be appointed for a one year term, David Wiens, 1520 College Avenue, be appointed for a two year term, Richard Travis, 1171 Nelson Drive, be appointed for a three year term, and Holly Albrite, 1039 Chestnut Drive, be appointed for a four year term on the Social Services Advisory Board. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

At 11:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## REGULAR MEETING

JUNE 27, 1995

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 Lantz delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Vice-Mayor Dingledine offered a motion to approve the consent agenda including approval of the minutes and the second reading of a supplemental appropriation for the Fire Department and Sanitation Fund. The motion also included setting a public hearing date of July 25 to consider the rezoning requests of Daniel Brubaker and Eastern Mennonite University. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:35 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, June 9 and Friday, June 16, 1995:

**Jerome Kern Johnson, requests to rezone the 15,698± square foot property at 579 East Market Street, which is further described as Tax Map Parcel 27-F-19, from R-2 "Residential District" to R-3 Conditional "Multiple Dwelling Residential District". The applicant has applied for R-3 zoning with the condition that the only permitted use for the property will be medical and professional offices. The "Residential District" is intended for medium-density, single-family and two-family residential development and for areas where such development is likely to occur in the future, together with certain governmental, educational, religious, recreational and utility uses that are compatible with residential surroundings. The "Multiple Dwelling Residential District" is intended for medium to high-density residential development and other uses intended to respect the residential character and which are aesthetically compatible within the district by means of architectural expression, landscaping and restrained traffic flow. The Comprehensive Plan recommendation for the property is "Professional". The "Professional" land use category is intended for professional service oriented uses with consideration to the character of the area and are found in residential areas along major thoroughfares and adjacent to the Central Business District.**

**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 and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this request was from Jerome Kern Johnson to rezone an approximately 15,698 square foot property at 579 East Market Street from R-2 "Residential District" to R-3 Conditional R-3 "Multiple Dwelling Residential District". She said Mr. Johnson has stated that if the parcel was rezoned the intended use would be for medical and professional offices. Mr. Johnson has provided a development plan showing that there is adequate space for the required parking on this site. She said the property is well in accordance with the Comprehensive Plan for this area and the Planning Commission is recommending approval of this request. Mayor Neff called on anyone present desiring to speak either for or against this rezoning request.

James Sipe, Sr., speaking on behalf of the applicant, Jerome Johnson, said the property has been vacant for about two years and that several adjoining property owners have filled written support in favor of the rezoning request. He mentioned that Jim and Mike Walker of Continuing Care Home Health Services, Inc., have a contract pending on the property and would like to move their offices to this location. 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 offered a motion to approve the rezoning request. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 7:45 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, June 9, and Friday, June 15, 1995:

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 27, 1995 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:**

**Sherwin Jacobs, requests to rezone the 25,136± square foot property at 510 East Market Street, which is further described as Tax Map Parcel 27-B-1, from R-2 "Residential District" to R-3 Conditional "Multiple Dwelling Residential District". The applicant has applied for R-3 zoning with the condition that the only permitted use for the property will be professional offices. The "Residential District" is intended for medium-density, single-family and two-family residential development and for areas where such development is likely to occur in future, together with certain governmental, educational, religious, recreational and utility uses that are compatible with residential surroundings. The "Multiple Dwelling Residential District" is intended for medium to high-density residential development and other uses intended to respect the residential character and which are aesthetically compatible within the district by means of architectural expression, landscaping and restrained traffic flow. The Comprehensive Plan recommendation for the property is "Professional". The "Professional" land use category is intended for professional service oriented uses with consideration to the character of the area and are found in residential areas long major thoroughfares and adjacent to the Central Business District.**

**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 and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this request was from Sherwin Jacobs, contract purchaser, to rezone an approximately 25,136 square foot property at 510 East Market Street from R-2 "Residential District" to R-3 Conditional "Multiple Dwelling Residential District." Mrs. Turner said Mr. Jacobs has stated if the property was rezoned it would be used for professional offices. She said the property is in accordance with the Comprehensive Plan for this area and the Planning Commission is recommending approval of this request. Mayor Neff called on anyone present desiring to speak either for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Following further discussion, Council Member Rogers offered a motion to table this item until Mr. Jacobs can be present to discuss some concerns Council has with this rezoning request. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

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, 1995. All requirements have been met by the vendor. He said the Fire Department has reviewed the request and is prepared to issue a permit for the display. Vice-Mayor Dingleline offered a motion to approve this fireworks display on July 4, 1995. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart suggested that a joint work session be held with City Council and the Planning Commission on July 12th at 7:30 p.m., to consider the 5-9-95 final draft of the Zoning Subdivision and Sign Ordinance.

City Manager Stewart proposed that a contract be awarded to The Moseley McClintock Group to provide architectural services for a space needs assessment and conceptual design for a public safety facility for the City of Harrisonburg. The building will house the City Police Department, the administrative offices of the Fire departments and the Emergency Operations Center. Council Member Weaver offered a motion to award the contract to The Moseley McClintock Group. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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

**WHEREAS, Dr. Malcolm Tenney, Jr., M.D., has rendered unique and outstanding service to our region in general and our City in particular during the thirty-five years as the primary figure in public health delivery in this area of Virginia; and**

**WHEREAS, Dr. Tenney's contributions to the health, welfare, and quality of life of our citizens have been incalculable, beginning with is 1960-62 tenure in a two-county area of responsibility, through years as Health Director of the Sixth Regional Planning District, to**

seventeen years as Regional Medical Director of a 600,000 population area encompassing five planning districts, twenty-four counties, and eight cities, a position from which he entered his present active and public spirited retirement in 1991; and

WHEREAS, as a combat soldier injured in the Battle of the Bulge, a high school science teacher and assistant principal, president of his home town chapter of the American Cancer Society, recipient of a Mary Baldwin College award for outstanding community service, thirty-year volunteer fireman and past firefighter of the year, fifteen-year president of the Virginia County Health Officers Association, and vigorous participant in virtually every health-related volunteer agency in our area, Dr. Tenney has demonstrated the qualities of integrity, professionalism, and caring for humanity that have earned him universal administration and respect; and

WHEREAS, Dr. Tenney continues to represent the highest degree of good citizenship and volunteerism as a member of the Central Shenandoah Emergency Medical Service Council, Operations Medical Director for the Staunton Fire Department and all Augusta County volunteer fire departments, the executive committee of the State Health Coordinating Council, and a broad spectrum of other state, local, and regional health-related groups; and

WHEREAS, the City of Harrisonburg desires to join with other counties and municipalities which have benefitted from Dr. Tenney's tireless acts of public service by recognizing him as an exemplar of local, effective, and selfless service to others;

NOW, THEREFORE, BE IT RESOLVED by the City Council, that Dr. Malcolm Tenney, Jr., M.D., be accorded the appreciation and recognition of the City as a Most Distinguished Citizen for his outstanding career in public health and continuing commitment to excellence and volunteerism in this critical area of public responsibility;

AND BE IT FURTHER RESOLVED that a copy of this resolution, appropriately executed under the Seal of this City, be presented to Dr. Tenney on the occasion of his being publicly recognized and honored throughout the area he has served so well and faithfully.

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Date

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John N. Neff, Mayor

Attest:

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Clerk of Council

City Manager Stewart explained that this is a resolution honoring Dr. Malcolm Tenney who has retired from the Health Department as its director. Dr. Tenney is being publicly recognized and honored throughout the area he has served so well and faithfully during this thirty-five years with the Health Department. Vice-Mayor Dingledine offered a motion to approve this resolution. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds into the Steam Plant capital projects for CISAT. Council Member Weaver offered a motion for the transfer to be approved and that:

\$9,000 chge. to: 1324-910142-48682 Retro-fit Steam Plant

\$9,000 approp. to: 1324-910142-48683 Steam Plant for CISAT

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

City Manager Stewart presented a request to transfer \$55,000 into future Sanitation Capital projects. Council Member Rogers offered a motion to approve this transfer. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote.

City Manager Stewart announced that Phoebe Orebaugh with Congressman Goodlatte office has suggested a luncheon with City Council and the Rockingham County Board of Supervisors on August 30th at 12:00 noon to discuss issues about Washington, D.C. The place for the luncheon will be determined by Congressman Goodlatte office.

City Manager Stewart suggested scheduling a meeting with Stacy Turner, Planning and Community Development Director, and Jim Baker, Director of Public Works, on August 25th to discuss transportation needs including Neff Avenue and others.

At 8:03 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 Board of Director-Harrisonburg Rockingham Chamber of Commerce, 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, exempt from public meeting requirement 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 9:00 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 Larry Rogers, 127 New York Avenue, be appointed to a three year term to represent the City Council on the Harrisonburg-Rockingham Chamber of Commerce Board to expire on June 30, 1998. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 9:02 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan  
CLERK

Col N. N. N.  
MAYOR

## REGULAR MEETING

JULY 11, 1995

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 Fairweather. Absent: 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 consent agenda including approval of the minutes and referring the rezoning request by Mennonite Foundation, Inc. to the Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

✓ Ellen Devers, a resident of Old South High Street, presented a request to prohibit trucks on Old South High Street. She said the street is very narrow which allows for parking only on one side of the street. However there is usually parking on both sides of the streets because of student rentals. Ms. Devers said trucks making deliveries to businesses at one end of the street, use the cul-de-sac at the opposite end of Old South High to turn around creating a dangerous situation for young children playing in the cul-de-sac. Vice-Mayor Dingledine offered a motion to refer this request to the Transportation Safety Commission for their review and recommendation. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Council Member Rogers offered a motion to approve a contribution of \$5,000 to Rockingham Development Commission for their marketing program. The motion was seconded by Council Member Lantz, and approved with a unanimous recorded vote of Council.

✓ City Attorney Thumma presented a report on the current policy limiting the use of City Parks. He said after reviewing the policy it appears that the policy in question is "not allowing the use of the City parks for fundraising, political, religious or private gain". This policy as written does not prohibit a charity, political party or candidate, church or religious group or private individuals and/or groups from using the City's parks. The sole purpose of the policy is not to allow the individual or group to use the public's property for their private gain, be that financial or otherwise. The request of the Grace Covenant Church was not denied by the department because they are a religious group or that they were going to perform religious songs and drama. The request was denied because the letter states a purpose of perform the songs to allow their members to gain opportunities to talk with others, which leads one to believe they intend to recruit and solicit new members. The department's policy is not intended to discriminate against any group or individual in using the parks but to keep that group or individual from imposing on other users for their private gain. City Attorney Thumma said this current policy is within the law and can be defended.

✓ Council Member Weaver offered a motion granting Shenandoah Shakespeare Express, Inc. request to display across South Main Street within the Central Business District, a banner from July 13, to August 12, 1995. 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, the Industrial Development Authority of the City of Harrisonburg, Virginia (the "Authority"), has considered the application of Real Estate, L.C. requesting the issuance of the Authority's variable rate demand industrial revenue bond in an amount not to exceed \$1,800,000 ("Bonds") to assist Real Estate, L.C. (The "Company") with financing the acquiring, constructing and reconstructing approximately 12,000 square feet improvements and additions to manufacturing facilities, and the equipping thereof, located at 1070 Virginia Avenue, Harrisonburg, Virginia, 22801 to be leased to Shenandoah Manufacturing Company, Inc. (The "Lessee"), a manufacturer and producer of poultry industry equipment, waste oil heaters, waste incinerators and crematory systems, and various other sheet metal fabrication (the "Project");**

**WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, provides that the government units having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the Bonds;**

**WHEREAS, the Authority issues its Bonds on behalf of the City of Harrisonburg, Virginia (the "City"); the Project is located in the City, and the City Council of the City of Harrisonburg, Virginia (the "Council") constitutes the highest elected governmental unit of the City;**

**WHEREAS, the Authority held a public hearing on the issuance of the Bonds on June 29, 1995, and has recommended that the Council approve the issuance of the Bonds; and**

**WHEREAS, a copy of the Authority's resolution (the "Resolution") approving the issuance of the Bonds, subject to the terms to be agreed upon, a copy of the certificate of publication of the notice of the public hearing, a summary of public comments from such public hearing, and a fiscal impact statement have been filed with the Council, all as required by law.**

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

**1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) of the Code and Section 15.1-1378.1 of the Code of Virginia of 1950, as amended ("Virginia Code"), to permit the Authority to assist in the financing of the Project. The City Manager, and any other appropriate officers of the City as may be necessary or convenient, are hereby authorized and directed to execute a request for**

industrial development bond allocation in order that an application may be filed with the Virginia Small Business Financing Authority for private activity bond authority for these Bonds.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the credit-worthiness of the Project, the Company, or the Lessee.

3. This Resolution shall remain in effect for a period of one year from the date of its adoption.

4. The Bonds shall provide they shall not be deemed to constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority and the City, and neither the Authority nor any other political subdivision shall be obligated to pay the principal of, premium, if any, or interest on the Bonds or other incident thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority and the City, shall be pledged for the payment of principal or premium, if any, or interest on the Bonds or other costs incident thereto.

This Resolution will take effect immediately upon its adoption.

Adopted: July 11, 1995

ATTEST:

\_\_\_\_\_  
Clerk of the City Council of the  
City of Harrisonburg, Virginia

\_\_\_\_\_  
Mayor of the City of Harrisonburg, Virginia

✓ Carolyn Perry, with the law firm of Wharton, Aldhizer and Weaver, explained that this resolution would allow the Industrial Development Authority to issue industrial revenue bonds in the amount of \$1,800,000 for the benefit of Real Estate, L.C. These bonds will assist Real Estate, L.C. with financing improvements and additions to a manufacturing facility located at 1070 Virginia Avenue, Harrisonburg and leased to Shenandoah Manufacturing Company, Inc.. Because the facility is located within the City of Harrisonburg it does require approval by the City Council. She said approval of this resolution does not obligate the City in anyway nor does it count against the City's bond capacity nor is it an endorsement by City Council. Council Member Weaver offered a motion to approve the resolution as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request that would authorize the City Treasurer to advertise delinquent real estate taxes for 1994-1995. Council Member Rogers offered a motion to

authorize the City Treasurer to advertise delinquent real estate taxes. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

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

**Be It ordained by the Council of the City of Harrisonburg and the Board of Supervisors of the County of Rockingham as follows:**

- 1. This ordinance shall remain in full force and effect until repealed by the Harrisonburg City Council or the Rockingham County Board of Supervisors.**
- 2. The purpose of this ordinance is to implement the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act, effective July 1, 1995.**
- 3. Financing of this joint undertaking shall be provided by a Grant from the Virginia Department of Criminal Justice Services. The budget shall be approved by the Harrisonburg/Rockingham Criminal Justice Administrative Board.**
- 4. Upon termination of this ordinance (agreement) any property that has been purchased from the grant proceeds will be divided equally between the City and the County.**
- 5. There shall be a joint board responsible for the implementation of the Acts called the Harrisonburg/Rockingham Criminal Justice Administrative Board, comprised of:**
  - a. one member of the City Council and one member of the Board of Supervisors**
  - b. County Administrator**
  - c. City Manager**
  - d. Sheriff**
- 6. There shall be an advisory board to the Administrative Board called the Harrisonburg/Rockingham Criminal Justice Board, comprised of:**
  - a. the members of the Administrative Board**
  - b. one judge from the circuit court,  
one judge from the general district court  
and one judge from the juvenile  
and domestic relations court**
  - c. the commonwealth's attorney**
  - d. the chief of police**
  - e. the chief magistrate**
  - f. a defense attorney**
  - g. a representative of the education system**

**h. a representative of the community services board**

**7. The members of the Administrative Board and the Advisory Board shall serve a four (4) year term commencing on July 1, 1995, except for those that are members by virtue of their county/city office, whose terms shall be indefinite.**

**8. The County shall serve as fiscal agent for the joint undertaking, and any employee of the Administrative Board shall be employees of the County and be subject to the personnel policies of the County.**

**9. Liability insurance coverages shall be provided by the policies of the County, and any increase in premiums caused by such coverages shall be defrayed by Grant funds described in Paragraph 3.**

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1995, by the Rockingham County Board of Supervisors.**

\_\_\_\_\_  
**Pablo Cuevas**  
**Chairman**

\_\_\_\_\_  
**William G. O'Brien**  
**County Administrator**

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1995, by the Harrisonburg City Council.**

\_\_\_\_\_  
**John N. Neff**  
**Mayor**

\_\_\_\_\_  
**Yvonne Ryan**  
**City Clerk**

City Manager Stewart explained that this resolution would establish a sub group which will include a member of the Board of Supervisors, a member of the City Council, the County Administrator, the City Manager, and the Sheriff to serve on the Harrisonburg/Rockingham Criminal Justice Administrative Board. A larger board including judges, the Police Chief, an educator and attorneys will continue in an advisory role. Vice-Mayor Dingleline offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Several residents near Riven Rock Park complained about the noise, alcohol abuse, trespassing, drug peddling and prostitution at the park. They suggested that the park be permanently closed or supervised, as it is no longer a safe or secure family gathering place and represents a nuisance and general hazard to the adjacent community and residents. However, several City residents complained about the tax-paying citizens of the City being denied use of the park for family picnics and other gatherings because of it being permanently closed. City Council referred this matter to the Parks and Recreation Commissioners for their recommendation to the problems at Riven Rock Park.

Council Member Weaver commented on the nice railroad tracks in Broadway and how easy they are to cross. City Manager Stewart said that staff is working with the Central Shenandoah Planning District Commission and VDOT on a railroad crossing program identifying some of the most dangerous railroad crossings in the City.

City Manager Stewart reminded everyone that a work session with the Planning Commission will be held on July 12, at 7:30 p.m. in the conference room on the second floor of the Municipal building to consider the 5-9-95 final draft of the Zoning Subdivision and Sign Ordinance.

City Manager Stewart announced that a work session with the Downtown Committee on July 18 has been cancelled. The Downtown Committee will provide a brief update at the July 25 Council meeting. Another work session has been suggested for September 5.

City Manager Stewart announced that Phoebe Orebaugh with Congressman Goodlatte's office has suggested a meeting on August 30 at 1:00 p.m. in the County Administration building for a joint City/County meeting with Congressman Goodlatte.

City Manager Stewart announced that the Building Inspection's office has moved to the annex building which will have the entire Community Development Department under one roof.

At 8:43 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 Board of Directors Rockingham Development Corporation, 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 easements, exempt from public meeting requirement 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 9:29 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 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 Dr. Joseph E. Gardner, 295 Birdie Circle, be reappointed to the Rockingham Development Corporation for a one year term. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

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

**WHEREAS, Michael J. York, general manager of Harrisonburg Electric Commission, has reported to the Council that the Commission has been unsuccessful in negotiating the**

acquisition of certain easements to construct a 69 KV transmission line for the West Market Street Extension Project.

WHEREAS, appraisals have been obtained for all of the properties from qualified real estate appraisers, the Commission has requested the Council to approve the final offers to be transmitted in writing on behalf of the City of Harrisonburg to such property owners and for such further authority as is necessary to enable the Commission to proceed with the construction of the transmission line.

NOW THEREFORE, be it RESOLVED that easements over certain properties to construct a 69 KV transmission line for the West Market Street Extension are deemed to be necessary to provide reliable and adequate electric power to the citizens of the City of Harrisonburg.

Be it FURTHER RESOLVED that the City Manager, Steven E. Stewart, is hereby authorized and directed to forward by certified mail, return receipt requested final offers in the amount proposed by the Commission for the acquisition of the necessary easements over such properties.

Be it FURTHER RESOLVED that should the final offers not be accepted within ten days from the date of mailing, the amounts of the final offers, which are hereby determined to be the fair value of such easements, shall be paid into the Circuit Court of Rockingham County, Virginia, and a certificate recorded in the clerk's office of the court as provided by law in order to transfer title to such right-of-way easements to the City and enable the Harrisonburg Electric Commission to proceed with the construction of the 69 KV transmission line for the Market Street Extension Project.

Be it FURTHER RESOLVED that if such amounts as are paid into court are not accepted within 30 days, the attorneys for the Commission are authorized to commence condemnation proceedings regarding such easements on behalf of the City as provided by law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
John N. Neff, Mayor

Attest:

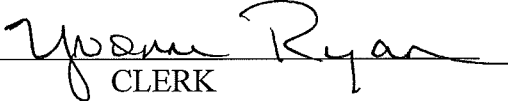
\_\_\_\_\_  
City Clerk


Vice-Mayor Dingledine offered a motion that the resolution with Harrisonburg Electric Commission be approved as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion to authorize the City Manager to sign the contract for the conveyance of a lot located at 1040 Chicago Avenue to Mary Holsinger Shank, Lucille Shank Allen, David Charles Allen, and Elizabeth Shank Histan and to authorize the Mayor to execute the

deed. The motion was seconded by Council Member Lantz, 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.

  
CLERK

  
MAYOR

## REGULAR MEETING

JULY 25, 1995

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; 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. Absent: Assistant City Manager Roger Baker.

Council Member Weaver delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Vice-Mayor Dingleline offered a motion to approve the consent agenda including approval of the minutes and the second reading of the ordinance for the Joint Exercise of Powers for the City/County Criminal Justice Board. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart announced that the Daniel Brubaker's public hearing had been canceled.

Mayor Neff announced that before the public hearing will be held to consider the rezoning request from Eastern Mennonite University that Planning and Community Development Director Turner will have some comments concerning the rezoning request.

Planning and Community Development Director Turner explained that this was a request from Eastern Mennonite University to amend Section 10-3-45 (R-3 Zoning District area and dimensional regulations). She said some part of the ordinance needed clarification with regard to regulations concerning college and university buildings which are permitted in the R-3 zoning classification. After Eastern Mennonite University had made inquiries about constructing a new dormitory and renovations to some of the buildings on the campus, it was discovered there were no clear regulations for dormitories in the R-3 zoning classification. According to the present classification a dormitory would have to be considered as multi-family use which only permits 12 dwelling units each occupied by four unrelated people. Mrs. Turner said at the May Planning Commission's public hearing a lot of the Park View residents expressed concern about the location and height of the building and a provision stating that a rear facade could front on a public street. Because of these concerns the rezoning was tabled to give EMU and residents of the Park View area a chance to discuss these concerns and possibly come to a suitable compromise. At the June Planning Commission meeting representatives presented an amended request stating that the maximum height in the proposal would be reduced from 60 feet to 50 feet except on dorms where all the setbacks would not be less than four times the height of the building. It was further defined that a building could only exceed 40 feet in height if it was on a ten acre campus site. The setbacks were increased for larger dormitories and there were also increased setbacks for 50 foot tall buildings. The provision allowing a rear facade of a building facing on a public street was removed.

At the June public hearing there was nobody who spoke in opposition to the request so Planning Commission felt like the two parties had reached some type of compromise on the amended request. Mrs. Turner said when the public hearing for City Council was advertised it was mistakenly modeled after the advertisement used for Planning Commission's public hearing and was based on the original request, not the amended request recommended for approval by Planning Commission. Since the amended request is more restrictive than the original, the following sentence should have been removed from the advertisement: "The applicant also requests to amend Section 10-3-47(3) (R-3 Zoning District, other regulations) of the Harrisonburg Zoning Ordinance to except college and university buildings from the requirement that no building shall have a rear facade facing a dedicated public street, with the provision that a landscape buffer 10 feet in width be established between the building and the dedicated street." This change should have been made to reflect the fact that the amended request does not include a provision to have a rear facade facing a public street. EMU removed this provision from their original request to alleviate some of the concerns of their Park View neighbors. She said the Planning Commission is recommending approval of the amended request for adoption.

At 7:43 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, July 7 and Friday, July 14, 1995:

**The Harrisonburg City Council will hold a public hearing on Tuesday, July 25, 1995 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:**

**Roger D. Williams, Esquire, attorney for Eastern Mennonite University, requests to amend Section 10-3-45 (R-3 Zoning District, Area and dimensional regulations) of the Harrisonburg Zoning Ordinance to create specific occupancy limitations, minimum required yards, and building story and height limitations for College and University Buildings (including Dormitories and Residence Halls), which are greater than what is now permitted in the R-3 Zoning District. The applicant also requests to amend Section 10-3-47(3) (R-3 Zoning District, other regulations) of the Harrisonburg Zoning Ordinance to except college and university buildings from the requirements that no building shall have a rear facade facing a dedicated public street, with the provision that a landscape buffer 10 feet in width be established between the building and the dedicated street. The R-3 "Multiple Dwelling Residential District", which allows Colleges and Universities as permitted uses, is intended for medium to high-density residential development and other uses intended to respect the residential character and which are aesthetically compatible within the district by means of architectural expression, landscaping and restrained traffic flow.**

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

**Steven E. Stewart  
City Manager**

Roger Williams, attorney for Eastern Mennonite University, explained that the existing R-3 zoning ordinance permits college and university buildings. But, he said dimensional regulations have almost zero guidance when considering how to apply them to something like a dormitory. Mr. Williams said EMU suggested drafting some source of zoning text amendments that would make sense, be reasonable and reflect a college or university interest for their property, consider the surrounding property owners view and the public legitimate interest. A joint compromise between City Planning, City Zoning and EMU discussing what made sense and what was reasonable by way of dimensional regulation produced a sliding scale using more flexibility on setbacks and height or the bulk of the building. After both public hearings had been held view points from the Planning Commission and suggestions and concerns from neighbors living along Dogwood Drive resulted into further compromise. He said EMU is still requesting the subsequently amended recommendation that was approved by the Planning Commission.

Dave Burgess, 1254 Dogwood Drive, stated that he was opposed to the proposed changes requested by EMU in the zoning regulations that governs R-3 zoning. He proposed that R-3 regulations be made more strict for institutional types like this when placed adjacent to residential housing. He said the proposed changes will considerably downgrade the neighborhood and destroy one of the finest attractions and character of the neighborhood, namely the view of the beautiful Massanutten and Blue Ridge Mountains.

Ella Mae Miller stated that she has lived across from the EMU since 1953. She said she understands why EMU wants to build a modern new dormitory, but she is unhappy with the location. Mrs. Miller said it will block her view, take away the enjoyment she has watching the students in various activities and sports, and will increase traffic in front of her house.

Edith Himes, 1234 Dogwood Drive, stated that the amendment being considered has been presented as a need to renovate and construct new buildings on EMU campus. She said EMU should be granted variances for the renovations of their buildings, but the residents are against an amendment that would allow EMU to build additional high buildings in the area that is basically single family dwellings. Mrs. Himes said she wanted to see growth and development on EMU's campus, however, the residents needs should be met with buildings that will preserve the character of the neighborhood and respect the beauty of the area. There being no others desiring to be heard, the public hearing was declared closed at 8:15 p.m., and the regular session reconvened. Council Member Lantz stated that in his opinion it would make more sense to add five feet in height to the building and move it back 30 feet to provide the residents with a better view of the mountains. He also commented that according to the zoning ordinance EMU can construct a 40 foot high building with a 30 foot setback which will destroy residents' views, but since EMU is willing to move the building back another 30 feet and add five feet in height this would be an advantage to the neighborhood. Mayor Neff said that in the future, if EMU wanted to renovate one of the present buildings, restrictions will allow that the front, side, and rear yard setbacks are not less than four times the height of the building, and a dormitory/residence hall may be of height of up to 60 feet and five stories high which will be fairly substantiality away from the property line. Following further

discussion and comments, Council Member Weaver offered a motion to accept Planning Commission recommendation for approval of the amended request as presented for a first reading. Council Member Lantz suggested that a modification of 30, 60, 90, and 120 should be added to the amended request and then he seconded the motion which was approved with a four to one vote of Council with Council Member Rogers voting no.

City Manager Stewart explained that at the June 27 Council meeting the request of Sherwin Jacobs to rezone property at 510 East Market Street from R-2 "Residential District" to R-3 Conditional "Multiple Dwelling Residential District" was tabled until Mr. Jacobs could be present to discuss some concerns Council had with the rezoning request. Mayor Neff asked Mr. Jacobs if he was now the owner of this property at which Mr. Jacobs replied he would be the owner or representing the owners on August 7. Council Member Rogers offered a motion to table this item again until the next Council meeting at which time Mr. Jacobs should be the owner or represent the owners. 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 July 19, 1995.

"...Chairman Wassum asked if there was any public input.

Mr. Jerry Scripture asked can there be a 2 foot grass area and a 4 foot sidewalk? If so, do you permit signs, mailboxes, etc. in the grass area? Can curb cuts (entrances) be pre-installed so you don't have to come back later and cut the curb? If so, can the sidewalk run right along behind the entrance and be tied into it? Mr. Scripture said if the sidewalk thickness needs to be increased at those entrances than he is willing to do so.

Mr. Scripture understands that the City wants a 5 foot apron behind the line of the curb drain rather than the 2 foot apron that has been used in the past. He feels that the 2 foot apron has worked before why can't it be continued?

Mr. Tim Lacey has some of the same concerns regarding sidewalks and entrances. Mr. Lacey was under the impression that it would not be a problem to do the 4 foot sidewalk with a 2 foot grass strip and would like some clarification on that.

Mr. Homan asked if the 4 foot wide sidewalk met current ADA regulations?

Mr. Dan Rublee, City Engineer, answered "Yes and no". The ADA requires a minimum of 36 inches, but, every 200 feet you must have 60 inches to allow passing. With that in mind the 4 foot sidewalk is appropriate as long as the 60 inches is addressed. What Mr. Scripture and Mr. Lacey have suggested is that you use the driveways as these passing areas. Mr. Rublee felt that this is rather "stretching it" and he doesn't know of any ruling on this.

Mr. Homan added that a driveway is usually a slope and you wouldn't want that used for the passing area.

Mr. Rublee added that there are other issues. Not every sidewalk adjacent to the street is going to meet ADA requirements--their maximum slope is 5%. Mr. Rublee could not say whether or not the 60 inches would have to apply to every street sidewalk.

Mr. Rublee explained that the reason the sidewalk was shown in the DCSM as abutting the back side of the curb was because of a change in the highway department philosophy over what was considered to be a safe roadway. VDOT has what is termed a "clear-zone" width. This is a width between the pavement (drive lane) and some point behind the drive lane to where they wanted no fixed objects placed (ie. utility poles). The idea being that if you are going to have a pole or larger obstruction placed along the roadway it must be placed behind the sidewalk and outside the 6 foot clear-zone.

Mr. Rublee expressed that he felt Jim Baker, the Director of Public Works, should be involved in this decision, since he is most familiar with what VDOT expects from the City in regard to road construction.

Mrs. Turner added that Mr. Jim Baker had told her before, when this subject was discussed, that in residential subdivision areas, VDOT does not have a problem with a 2 foot utility strip.

Mr. Rublee said that if we are looking at putting the poles behind the sidewalk and in the clear-zone, and we agree to a 2 foot strip and a 4 foot sidewalk, then you are leaving only about a foot and a half of right-of-way behind the back of the sidewalk. This brings in other concerns of whether or not you have enough right-of-way for a utility pole without encroaching on private property. Perhaps this 2 foot grass strip and 4 foot sidewalk could become an option in a residential area and not a required standard. A term of this option would be that possibly a 5 to 10 foot easement would be dedicated along the front of those properties where there is a sidewalk.

Relative to the 2 foot radius for the driveway apron Mr. Rublee referred to an overhead showing a half-plan view of what VDOT requires. You can see from the drawing that the entrance does not end at the back end of the utility strip. We have a highway department standard that shows a 5 foot apron from the face of the gutter. If the entrance is on a side of the street that has no sidewalk than the entrance stops at that 5 foot point. If there is sidewalk, what the highway department says is you need to continue the entrance to the back of the sidewalk. What the standard calls for on the 5 foot apron is that the pour be one continuous concrete pour, this is because the entrance is intended for vehicular traffic and should be poured as such.

Mr. Rublee stated that he has no problem with this standard, reducing the sidewalk width by one foot and reducing the entrance radius slightly, for use in the developments in the process of construction now (ie. Stone Spring Village and Park Lawn).

Mr. Rublee reiterated that he wanted to be sure the entrance was poured as an entrance and not a sidewalk used as an entrance.

Mr. Homan asked if you went to the 4 foot sidewalk would developers be required to make a wider spot every 200 feet?

Mr. Rublee answered yes that would be appropriate.

Mr. Homan asked if that wider spot would be required not to be part of the driveway?

Mr. Rublee said he felt it shouldn't be but, it might be something that could be a case by case thing, depending on slopes.

Mr. Rexrode added that perhaps you could have a rule of reason that said if the slope of the driveway was within certain confines then it could serve as the so called passing lane and if the slope is greater then you would need to accommodate with a passing area.

Mr. Homan asked if the passing area width could be over on the 2 foot grass strip?

Mr. Rublee answered yes.

Mr. Tim Lacey stated what he would like to see is to use the 2 foot radius and then go flat with a 7 inch deep pour for the sidewalk area.

Mr. Scripture agreed with Mr. Lacey that the 2 foot radius worked. As for ADA, Mr. Scripture has no problem with creating a passing area every 200 feet.

The Commission discussed the issue some and Mrs. Turner asked if staff and Mr. Scripture can come to a decision on this do you want them to do so?

Mr. Homan asked if this recommendation was made, then would a majority of the sidewalks in town be this way?

Mr. Rublee stated that the department would have to draw-up a standard on this instead of referring to a highway department standard.

Mr. Sipe made a motion to move that a standard be adopted to allow an option of a 2 foot grassy area and a 4 foot sidewalk. Where there is an entrance you can have a 2 foot radius as long as it is a continuous pour to the back of the sidewalk line at a 7 inch depth.

Mr. Rexrode seconded the motion.

Mr. Homan was opposed to the motion. Motion stands approved.

Mr. Wassum added that the motion does not include the ADA requirement..."

Respectfully submitted,

Rajat Sarkar  
City Planner

Planning and Community Development Director Turner presented a recommendation from the Planning Commission concerning certain construction standards. She said after several developers had expressed concern regarding sidewalks and entrances in residential subdivisions Planning Commission is recommending that developers be allowed an option of a 2' wide grass area (utility strip) and a 4' wide sidewalk in residential subdivisions. The driveway may have a 2' radius provided that the driveway apron is a continuous pour of 7 inch depth to the line of the back of the sidewalk. On the side of the street without a sidewalk, it is permissible that the driveway apron be only 2 feet long. Mrs. Turner said to meet ADA accessibility requirements every 200 feet there must be a sidewalk of 60 inches to allow passing. Council Member Weaver offered a motion to approve this recommendation from Planning Commission. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

City Manager Stewart presented a lease agreement between the Harrisonburg Redevelopment and Housing Authority, Rockingham County and the City of Harrisonburg. City Attorney Thumma explained that this resolution establishes the terms and conditions for the joint Social Services and Health Department facility. He said the lease agreement is essential to the City and that Council will

be committed to making annual appropriations in order to fund the lease agreement in the future years. These bonds are tax exempt and the building must be used for public purposes. Vice-Mayor Dingledine offered a motion to approve this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council with one abstention by Mayor Neff.

City Manager Stewart presented an agreement between Harrisonburg and Rockingham County concerning lease and other facility related expenses for the new consolidated Social Services and Health Department facility. Mr. Stewart said this agreement is between the City and the County and sets out the basis for paying for the lease and other facility related expenses for the new facility. The basis is based 50% on population and 50% on case load in the two Social Services departments. This is set forth in the state code and initially the City's share will be 40%. Council Member Weaver offered a motion to approve this agreement. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council with one abstention by Mayor Neff.

City Manager Stewart presented for Council's consideration a first reading for an ordinance amending and re-enacting Section 4-2-28 of the Harrisonburg City Code. City Manager Stewart explained that this ordinance will allow for partial exemption from taxation of certain properties in the central business district. Council Member Lantz offered a motion that section 4-2-28 be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Parks and Recreation Director Logan explained that the Parks and Recreation Commission held a meeting on July 17 and discussed the issue of Riven Rock Park. She said Barbara Hutchens was present and spoke in favor of keeping the park open as she had expressed at the Council meeting on July 11, 1995. After much discussion and comments at the meeting, a motion was passed unanimously to keep Riven Rock Park operating as it is currently operated for the rest of this park season. She said it was suggested that next year the park operate on a full-time basis 8:00 a.m. to 8:00 p.m. and making arrangements for security as deemed necessary.

City Manager Stewart explained that an independent preliminary site analysis conducted by National Golf Foundation has recommended the Smithland Road site as being far superior to the Lineweaver property for possible development of a golf course site. Council Member Weaver offered a motion for the Parks and Recreation Department to proceed with further development of the Lineweaver property that would include normal recreational programs but not a golf course. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. Council Member Weaver offered a motion that any plans for development of the Smithland Road property must come before the City Council for review. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart presented a resolution that would authorize the filing of an application for financing approximately \$6,000,000 of improvements to the Resource Recovery Facility. He said the Virginia Resources Authority (VRA) would issue these bonds on the City's behalf for the improvements to the Resource Recovery Facility. JMU will pay the annual debt service to the City. Council Member Rogers offered a motion to approve the resolution authorizing the filing of an

application with VRA as presented and approval use Mays and Valentine as bond council. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Vice-Mayor Dingledine offered a motion to approve the cancellation of the October 10 and December 26 Council meetings. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriations of funds encumbered at June 30, 1995. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Council Member Rogers offered a motion to approve this request for a first reading and that:

\$499,650.17 chge. to: 1000-31010 Amount from fund Balance

\$499,650.17 approp. to: 1000-Finance, Elect. Police, Fire, Bldg. Insp.  
Emer. Ser., Gen Eng., Hwy & St. Traffic Street, Gen. Prop.  
Parks/Rec., Planning, Contrib. and Snow/Ice

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

City Manager Stewart reminded everyone of the continued work session with the Planning Commission on July 26, at 7:00 p.m. in the conference room on the second floor of the Municipal building concerning the re-write of the Zoning Subdivision and Sign Ordinance.

At 9:30 p.m. Council Member Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Community Association for Rural Transportation, 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 briefing by staff members pertaining to two proposed contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirement pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:15 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.

Council Member Rogers offered a motion that City Manager Steven Stewart or his designee be appointed to the Community Association for Rural Transportation Board. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that City Manager Steven Stewart be appointed as a representative on the Shenandoah Valley Partnership. The motion was seconded by Council Member Weaver.

At 10:20 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## REGULAR MEETING

AUGUST 8, 1995

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; and Council Member Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Council Members Hugh J. Lantz and Agnes Massie Weaver.

Mayor Neff delivered the invocation and led everyone in the Pledge of Allegiance.

Human Resource Director McBride introduced three new City employees: Carolyn Noel, Planning and Community Development Department; Melissa Agee, Finance Department; and Steven Antoine, a Police Officer.

Vice-Mayor Dingleline offered a motion to approve the consent agenda including approval of the minutes and the second reading of ordinance enacting Section 4-2-28 of the Harrisonburg City Code and a supplemental appropriations of funds encumbered at June 30, 1995. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

Mayor Neff suggested that the rezoning request of Eastern Mennonite University be tabled until all Council members could be present for the second reading. Council Member Rogers offered a motion to table this issue until the August 22 Council meeting. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council Members present.

City Manager Stewart explained that at the July 25 Council meeting the request of Sherwin Jacobs to rezone property at 510 East Market Street from R-2 "Residential District" to R-3 Conditional "Multiple Dwelling Residential District" was tabled until Mr. Jacobs could provide information that he was the owner of the property or representing the owners. Mr. Jacobs said a closing was held on August 7 and he was now the owner of the property. Council Member Rogers offered a motion to approve the rezoning request of Sherwin Jacobs. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council Members present.

Vice-Mayor Dingleline offered a motion granting the United Way of Harrisonburg and Rockingham County request to display a banner across South Main Street within the Central Business District, from September 5, 1995 to October 16, 1995. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart explained that the Retail Merchants Association wants to hold a street rod car show on August 26 and has requested blocking off Court Square. He said the association has stated that the street rod car show will not interfere with the bank or any activities at the church. Vice-Mayor Dingleline offered a motion to approve this event on August 26. The motion was

seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

Human Resource Director McBride presented a modification to Section 6.3 of the Personnel Policy Manual. He said the City currently provides post retirement health insurance benefits for retired employees who are at least 55 years of age, have retired with 15 or more years of service and meet the retirement provisions of the Virginia Retirement System. These benefits end when the retiree reaches age 65 or becomes eligible for Medicare. The City is offering a Medicare Carve-Out Plan to provide secondary coverage after Medicare. Council Member Rogers offered a motion to approve the modification to Section 6.3 of the Personnel Policy Manual. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request for a supplemental appropriations of funds encumbered at June 30, 1995. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Vice-Mayor Dingledine offered a motion to approve this request for a first reading and that:

\$ 75,000.00 chge. to: 1000-31010 Amount from balance  
 \$278,969.24 chge. to: 2013-31010 Amount from balance  
 \$ 23,750.96 chge. to: 2014-31010 Amount from balance  
 \$ 17,715.66 chge. to: 2111-31010 Amount from balance  
 \$ 2,491.40 chge. to: 2015-31010 Amount from balance

\$397,927.26 approp. to: General fund for Highway & street, Public Transportation,  
 Sanitation fund, Central Garage, and Parking Authority Fund.

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

City Manager Stewart reminded everyone that a work session will be held on August 15, at 7:00 p.m. in Council Chambers to discuss transportation issues.

At 7:45 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 Upper Valley Regional Park Authority, 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 briefing by staff members pertaining to two 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 Dingledine, and approved with a unanimous vote of Council Members present.


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 were convened were heard, discussed or considered in the executive session by the City Council.

Vice-Mayor Dingledine offered a motion that David Wigginton, 1726 Central Avenue, be appointed to a first term on the Upper Valley Regional Park Authority to expire on September 30, 1999 for a first term. The motion was seconded by Council Member Rogers and approved with a unanimous vote of Council Members present.

At 8:30 p.m., Council recessed the meeting to be reconvened on Tuesday, August 15, 1995 at 7:00 p.m. in Council Chambers for a work session on transportation issues.

At the reconvened meeting of Council held on August 15, 1995 at 7:00 p.m., there were present: Mayor John Neff; 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. The meeting was called to order by Mayor John Neff. Public Works Director Baker and Planning and Community Development Director Turner presented information on transportation issues regarding improving existing streets, proposed streets, and one new street designed to move traffic around the City. After the presentation, a number of questions were asked by Council members. The meeting was adjourned at 8:20 p.m.

  
CLERK

  
MAYOR

## REGULAR MEETING

AUGUST 22, 1995

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 Council Member Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Police Captain Duane Fairweather. Absent: Chief of Police Donald Harper.

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 consent agenda including approval of the minutes and the second reading of a supplemental appropriations of funds encumbered at June 30, 1995. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Mayor Neff presented a request from Eastern Mennonite University to amend section 10-3-45 (R-3 Zoning District area and dimensional regulations) for a second reading. A first reading was approved on July 25 and the second reading was tabled on August 8 until all Council members could be present for the second reading. Mayor Neff asked if there was anyone who had additional questions concerning this rezoning. After no response Council Member Lantz offered a motion to approve this amended rezoning request for a second reading. The motion was seconded by Council Member Weaver, and approved with a four to one vote of Council with Council Member Rogers voting no.

Council received the following extract from the Planning Commission meeting held on August 9, 1995.

"...Mr. Sarkar said this is a preliminary subdivision and final plat request for F&L Land Company and William and Mary Gunn. The applicant desires to subdivide this property into four (4) lots. There are no major concerns pertaining to the development of single family dwellings along Ridgewood Road. However, it should be noted that construction of curb and gutter which is generally required in subdivisions is being waived in this particular case because of the existing character of the neighborhood. No curb and gutter exists on Ridgewood Road. It should also be noted that because of the steepness of the site, force-pumps for sewer connections will be required for each of the three lots along Ridgewood Road. The preliminary subdivision and the final plat are recommended for approval.

Mr. William Gunn, part owner in the subdivision, stated that he has met with adjoining property owner's and there have been no disagreements with the proposal.

Mrs. Whitten moved to approve the request.

Mr. Sipe seconded.  
All voted aye..."

Respectfully submitted,

Rajat S. Sarkar, AICP  
City Planner

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and explained that this request involves property west of Ridgewood Road and northeast of the intersection of Port Republic Road and Devon Lane and consists of approximately 15.125 acres. She said the request would subdivide the property to create four (4) lots with three of the lots fronting on Ridgewood Road and the residual parcel continuing to front on Port Republic Road. The property is zoned R-1 single family residential and all of the lots exceed the minimum 10,000 square foot lot area requirement of the R-1 zoning classification. However, it should be noted that construction of curb and gutter was recommended to be waived in this situation so that these lots would be consistent with the remainder of the subdivision. There were no public improvements to be considered and nothing that needed to be bonded, however, because of the steepness of the site, force-pumps for sewer connections will be required for each of the three lots along Ridgewood Road. She said the Planning Commission has recommended approval for this subdivision. Council Member Weaver offered a motion to approve this recommendation from Planning Commission. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented a proposed "Road/Street and Subdivision Naming Manual" and a "Memorandum of Agreement Regarding Road and Street Naming." She said Rockingham County had contacted the City's Community Development Department to discuss participation in a program to develop a uniform system of road, street and subdivision naming to avoid duplication and near duplication of street names. She said within Harrisonburg there are street names that duplicate or almost duplicate and it has caused general confusion, a lot of confusion for emergency service provisions, mail delivery and other types of service provisions. A process would be developed so that all the proposed names for streets and subdivisions would run through a central location to try to avoid this duplication or near duplication and it should benefit everybody concerned. Mrs. Turner said that throughout the manual it refers to City of Harrisonburg and that the naming of a subdivision within the City and all pertinent signage shall occur pursuant to City ordinance. She said the idea behind this statement is that any new subdivisions with new proposed street names would be submitted to the County for approval or disapproval based on guidelines in the manual. This will not slow the City's subdivision review process nor will it add any additional fees for City subdivisions.

Planning and Community Development Director Turner presented a proposed ordinance adding Section 11-1-13 to the Harrisonburg City Code to institute mechanical permit fees. She said the mechanical code is part of the Virginia Uniform Statewide Building code and since the City has adopted this code by reference mechanical permits should be initiated. The City has never issued mechanical permits for any mechanical work done which is generally related to heating and cooling systems but the statewide building code has been in effect since 1973. For safety reasons mechanical

permits should be issued to install woodstoves, systems for heating and cooling and natural gas and above-ground and below-ground storage tanks, commercial range hoods and other items. Building Inspector Baldwin said the City does partial mechanical inspections, but only when they are related to examinations for plumbing and electrical permit requirements. The proposed fees were determined and based upon fees currently now in use for plumbing and electrical permits. Mr. Baldwin said the added work for inspections probably could be handled by existing staff. Several citizens involved in mechanical contracting expressed a desire to provide input into the process of establishing fees. City Manager Stewart encouraged input from the public concerning establishing fees for the mechanical permits. Mr. Stewart also said the City will not generate a huge revenue source from these fees. He said currently the plumbing permits generate about \$8,000 in revenue and electrical permits bring in about \$18,000 annually so the anticipated revenue from mechanical permits would probably fall between those two figures. Mr. Baldwin noted that attic fans and window air-conditioners are considered appliances and will not require a permit. Council Member Lantz commented that if the City plans to enforce the code then a decision will have to be made whether to charge fees. Following further discussion and comments, Council members suggested that a public meeting be held to discuss options and fees with contractors.

City Manager Stewart presented a request from the Harrisonburg Parking Authority concerning parking fines. He said the Parking Authority has recommended that Council consider amending the City Code that would allow fines for parking violation to be reduced from \$5.00 to \$2.50 if paid to the Treasurer's office within one hour. Council Member Lantz offered a motion to approve this recommendation from the Parking Authority to amend the City Code for a first reading. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for a supplemental appropriations of funds for the waterline project. He said the Department of Water and Sewer had entered into agreements last fiscal year to install 12 and 16 inch water lines along University Boulevard and Driver Drive to help serve the CISAT campus and provide an important link in the City water system. Council Member Rogers offered a motion for the appropriation to be approved for a first reading, and that:

\$990.00 chge. to: 2011-31910 Reimbursement-JMU water line and tank

\$990.00 approp. to: 2011-392061-49216 Transfer to Capital projects

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

City Manager Stewart presented a request for approval of a supplemental appropriation for Stonespring Road sewer project. Public Utilities Director Collins said the Department of Water Sewer has received formal bids for a combined project consisting of three individual sanitary sewer installations. Council Member Rogers offered a motion for the appropriation to be approved for a first reading, and that:

\$125,000 chge. to: 2012-31010 Amount from fund balance

125,000 chge. to: 1322-34230 Transfer from Sewer fund

\$125,000 approp. to: 2012-492061-49216 Transfer to Capital projects

125,000 approp. to: 1322-911161-48643 Stonespring Road Sanitary Sewer

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

City Manager Stewart presented a request for approval of a supplemental appropriation to transfer funds to capital projects fund for Stonespring Road sewer project. Vice-Mayor Dingledine offered a motion for the transfer of funds to be approved, and that:

\$108,000 chge. to: 2012-472061-48294 WIP-Annex area #1

108,000 chge. to: 1322-34230 Transfer from Sewer fund

\$108,000 approp. to: 2012-492061-49216 Transfer to Capital Projects

108,000 approp. to: 1322-911161-48643 Stonespring Road Sanitary Sewer

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

Public Utilities Director Collins announced that another project regarding sewer line replacements on Waterman Drive, College Street, and Summit Drive in Park View was awarded to F.L. Showalter. This will upgrade the sewer line from a 8 inch pipe to a 15 inch pipe.

City Manager Stewart presented a request for a supplemental appropriations of funds encumbered at June 30, 1995. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Council Member Rogers offered a motion to approve this request for a first reading and that:

\$105,069.33 chge. to: 2011-31010 Amount from balance

114,721.58 chge. to: 2012-31010 Amount from balance

\$219,790.91 approp. to: Water and Sewer fund.

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

City Manager Stewart reminded everyone of the continued work session with the Planning Commission on August 23, at 7:00 p.m. in the conference room on the second floor of the Municipal building concerning the re-write of the Zoning Subdivision and Sign Ordinance.

City Manager Stewart suggested holding a mini retreat with the School Board on December 4, 1995. The details of the retreat will be announced at a later date.


Assistant City Manager Baker explained that he had received several telephone calls from citizens complaining about the starlings (birds) returning to their neighborhood. He said many things had been tried in the City with limited success. Mr. Baker said he has contacted other cities and the Virginia Municipal League requesting information to help eliminate the bird problem. Suggestions included playing distress calls from a starling, shining lights into the trees, making loud noises, setting off firecrackers and organizing a bird posse in different areas of the City. Mr. Baker suggested getting the City's Animal Warden involved, developing a brochure containing information on obtaining permits, and gathering suggestions from the citizens on how to eliminate the problem.

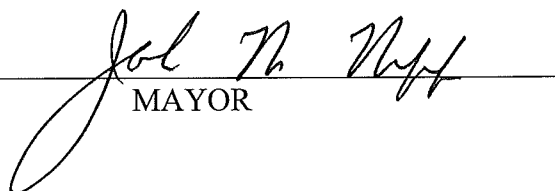
City Attorney Thumma said that a ground breaking ceremony had been held on August 22, 1995 at the new consolidated Social Services and Health Department facility. The final lease agreement has been negotiated and is ready for signatures. The lease agreement was approved on July 25, 1995 with the understanding that the staff could make any changes. However, the bank insisted on one item being added. The bank wanted a provision stating should the Federal Government take action making the interest rate not tax free then the rent payments would be adjusted to reflect any adjustment in the interest rate. This would allow the banks to keep the same margin and not be penalized because of an action by the Federal Government. Following further discussion and comments, Council Member Rogers offered a motion to re-affirm the resolution of July 25 as amended. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council with one abstention by Mayor Neff.

At 9:24 p.m. Council Member Weaver offered a motion that Council enter an executive session for consultation with the City Attorney and briefings by staff members pertaining to two 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. 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. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

At 10:04 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 were convened were heard, discussed or considered in the executive session by the City Council.

At 10:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## REGULAR MEETING

SEPTEMBER 12, 1995

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 Council Member Agnes Massie Weaver; City Clerk Yvonne Bonnie Ryan and Police Captain Duane Fairweather. Absent: Chief of Police Donald Harper.

Council Member Lantz delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Human Resource Director McBride introduced five new City employees: Gerald Conley, Public Works Department; Leslie Miller, Public Works Department; Ron Luker, Public Works Department; James Hanover, Police Department; and Rodney Morris, Police Department.

Vice-Mayor Dingledine offered a motion to approve the consent agenda including approval of the minutes and the second reading of ordinance amending and re-enacting Section 13-1-92(b) of the Harrisonburg City Code. The motion also included the second reading of supplemental appropriations for Stonespring Road sewer project, the second reading of supplemental appropriation for waterline project, the second reading of funds encumbered at June 30, 1995, and referring an alley closing request to the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from John Heatwole for an adjustment to his tenant, Audrey Shenk, on her water and sewer bill. Mr. Heatwole explained that the large bill is due to a water leak between the meter and the apartment. A lengthy delay occurred because his tenant did not open the bill, but once it was noticed an adjustment was requested. Mr. Stewart said the utility department has adjusted the bill for sewer charges, but there is no justification for adjusting the water portion of the bill because the water went through the customer's meter. Public Utility Director Collins commented that there are a lot of expectations on the water and sewer department. Mr. Collins said the department does not have the capability to compare different months of billing, nor does it have the history of customers' usage, and it does not have a large staff in comparison to recent years. Following further discussion and comments, Council Member Rogers offered a motion to deny this request for an adjustment on the water bill. The motion was seconded by Council Member Lantz, and approved with a majority vote of Council with Council Member Weaver voting no.

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

WHEREAS, Hanover Development Associates, a Virginia limited partnership (the "Owner"), has requested the Harrisonburg Redevelopment and Housing Authority (the "Authority") to undertake the refunding of the Authority's \$5,850,000 Multi-Family Housing Revenue Bond (Pine Lake Village Apartments) issued on December 19, 1985 (the "Bond"), through the issuance and sale of revenue refunding bonds (the "Refunding Bonds") upon terms and conditions to be agreed upon between the Owner and the Authority; and

WHEREAS, the proceeds of the Refunding Bonds will be used to refinance the acquisition and rehabilitation of an apartment development located in Hanover County, Virginia (the "Project") which was originally financed by the proceeds received from the issuance of the Bonds; and

WHEREAS, the proposed maturity date of the Refunding Bonds will be later than the maturity date of the Bond, and under such circumstances the Tax Reform Act of 1985 and Section 147 of the Internal Revenue Code of 1986, as amended (the "Code"), require a public hearing on and approval of Refunding Bonds in order to assure the exclusion of interest on the Refunding Bonds from gross income for federal income tax purposes; and

WHEREAS, on August 23, 1995, the Authority held a public hearing on the issuance of the Refunding Bonds; and

WHEREAS, at the conclusion of the public hearing, the Authority approved the proposed issuance of the Refunding Bonds and has recommended that the City Council of the City of Harrisonburg, Virginia (the "Council") approve the issuance of the Refunding Bonds; and

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

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

1. The Council hereby approves the Refunding Bonds, to the extent required by Section 147(f) of the Code.
2. Such approval does not constitute and shall not be represented as constituting an endorsement of the Refunding Bonds or the creditworthiness of the Owner, the Project or any source of payment of the Refunding Bonds. The Refunding Bonds shall provide that they shall not be a debt of the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) and that neither the Commonwealth of Virginia nor any political subdivision thereof (other than the Authority) shall be liable thereon.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
John N. Neff, Mayor

Attest:

\_\_\_\_\_  
Clerk

Jim Sipe, Attorney for the Redevelopment and Housing Authority, explained that in 1985 the Harrisonburg Redevelopment and Housing Authority issued a \$5,850,000 Multi-Family Housing Revenue Bond to fund the acquisition and construction of an apartment development in Hanover County. He said the project is being sold and in connection with the sale it is proposed that the project be refinanced through the issuance of revenue bonds. HRHA held a public hearing on August 23, 1995 as was required and has recommended approving the proposed issuance of these refunding bonds. Council Member Rogers offered a motion to approve the resolution as presented. 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 first reading an ordinance adding Section 11-1-13 to the Harrisonburg City Code. City Manager Stewart explained that this ordinance will add mechanical permit fees to the City code, therefore, complying with the Virginia Building Code. Chief Building Codes Inspector Baldwin explained that a meeting with several mechanical contractors had been held to discuss the institution of these mechanical permits and fees and everyone was in agreement to the changes in the City Code. Council Member Weaver offered a motion that section 11-1-13 be approved for a first reading. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner explained that when Bluestone Hills Subdivision, Section 5, received final approval in 1993, a small island of land in the middle of Pearl Lane, near its intersection with Bluestone Hills Drive, was dedicated to the City as part of the street right-of-way. She said the City only needs seven and one-half feet behind the back of the curb for street and street sign maintenance, not the entire parcel, so the developer indicated he is interested in pursuing approval of setback variances from the BZA to allow placement of an entrance sign to the subdivision. To go through the proper channels this item needs to be forwarded to Planning Commission for their recommendation and then back to City Council for their approval. But, Zane Showker, one of the developers, requested that Council by-pass the Planning Commission and the BZA and grant permission to construct a sign at the entrance of this subdivision while he had stone layers available. City Manager Stewart noted that reverting the right-of-way back to the developers will have to be forwarded to the Planning Commission for their recommendation and The Board of Zoning is the only group who has the authority to grant a variance for the setback on this sign. Following further discussion and comments, Vice-Mayor Dingledine offered a motion to refer this item to the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner explained that this was a request from JMU to close and vacate an approximately 150 foot long alley at the end of and perpendicular to Patterson Street. She said the alley is owned by the City but utilized by JMU as an entrance to their parking facilities. She said JMU plans to construct a new Facility Management building between Grace and Patterson Streets. Council Member Weaver offered a motion to refer this item 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 October 12, 19 and 25, 1995 have been suggested as dates for the joint City Council-Planning Commission public hearings on the proposed zoning, subdivision and sign ordinances. These meetings will be held at Thomas Harrison Middle School and are scheduled to begin at 7:00 p.m. Planning and Community Development Director Turner said that on October 12 sections 1-5, 7-9, 11, 12 of the proposed zoning ordinance will be considered. On October 19, Articles 6 (landscaping and screening) 10 (Site Plan Requirements) and Subdivision Ordinance will be considered. She said that the Sign Ordinance will be considered on October 25. Council Member Lantz offered a motion to set October 12, 19 and 25 for the joint City Council-Planning Commission public hearing meetings on the proposed zoning, subdivision and sign ordinances. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the Rockingham Council of the Arts to use the grassy area across from the Daily News Record for an arts festival on October 28 from 8:00 a.m. to 6:00 p.m. Vice-Mayor Dingledine offered a motion to approve the arts festival. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Assistant City Manager Baker presented a report on the feasibility of a Boys and Girls Club. He said the committee has met several times and a representative from the Boys and Girls Club has explained the process to establish a club in Harrisonburg. The representative will review the paperwork before it is submitted to the national organization for approval. He explained that one of the committee members, Jim Deskins, is in the process of doing the paper work, applying for membership, tax-exempt status and working on a budget. Mr. Baker said if the club is approved it will be housed at the Simms Building. City Manager Stewart mentioned that the committee is looking at the possibility of combining Your Place After School and the City's recreation program at Simms into the Boys and Girls Club program.

Human Resource Director McBride presented a modification to Section 2.19 of the Personnel Policy Manual. He said this is a proposed addition to Section 2.19 which is in the disciplinary section of the personnel policy manual. This policy prohibits the possession of guns and/or firearms by employees on City owned property and in City owned buildings or vehicles unless the individual with a gun or firearm is a sworn officer of the law. Guns and firearms may remain locked in their personal vehicle but they may not be handled while the vehicle is on City property. The policy is being recommended as a pro-active measure and is especially important in light of some of the recent changes to the state law. Mr. McBride said the City wants to make it very clear to the employees that guns are not permitted on City property including employees who may possess concealed weapons permits. Council Member Rogers offered a motion to approve the modification

to Section 2.19 of the Personnel Policy Manual. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Human Resource Director McBride presented a report on the implementation of an Employees Awards and Recognition Program. He said the program is being implemented to recognize the commitment and dedication of City employees. The purpose of the program is to provide recognition for accomplishments of outstanding worth in advancing and improving public service in Harrisonburg City Government by both teams and individual employees. The program consists of two awards including the Outstanding Performance Award recognizing employees who perform the duties and responsibilities of their positions in an outstanding manner, and the Suggestion award which rewards employees for suggestions which result in cost savings and/or increased efficiency. A semi-annual awards ceremony will be held to recognize the contributions of employees receiving these awards.

City Manager Stewart stated that the Virginia Municipal League Conference has been scheduled for October 8-11, 1995. Council Member Rogers offered a motion naming John Neff as the voting delegate and Agnes Massie Weaver as the alternate delegate. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for approval of a supplemental appropriations for grant funds to the Police Department. He said the Police Department budget will be increased with this grant money. Council Member Weaver offered a motion to approve this request for a first reading and that:

\$24,095.00 chge. to: 1000-33310 Anti-Drug Grant

\$22,895.00 approp. to: 1000-310131-48111 Machinery & Equipment  
1,200.00 approp. to: 1000-310131-46010 Office Supplies

\$41,989.00 chge. to: 1000-33310 Anti-Drug Grant

\$ 3,425.00 approp. to: 1000-310131-48131 Radio Equipment  
6,600.00 approp. to: 1000-310131-41020 Salary/Wage OT  
23,046.00 approp. to: 1000-310131-41010 Salaries/Wages Regular  
4,216.57 approp. to: 1000-310131-42050 Hospital Insurance  
462.57 approp. to: 1000-310131-42110 Worker's comp.  
183.98 approp. to: 1000-310131-42060 Life Insurance  
1,609.79 approp. to: 1000-310131-42010 FICA  
2,445.19 approp. to: 1000-310131-42020 Retirement

\$35,420.00 chge. to: 1000-33310

\$22,382.00 approp. to: 1000-310131-41010 Salaries & Wages Regular  
1,595.00 approp. to: 1000-310131-42010 FICA  
2,422.00 approp. to: 1000-310131-42020 Retirement VRS  
4,094.00 approp. to: 1000-310131-42050 Hospital Insurance  
178.00 approp. to: 1000-310131-42060 Life Insurance VRS  
449.00 approp. to: 1000-310131-42110 Worker's comp.  
2,000.00 approp. to: 1000-310131-41020 Salaries & Wages OT

2,300.00 approp. to: 1000-310131-48111 Machinery & Equipment

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

Council Member Rogers expressed his appreciation to Council for their support concerning the feasibility of a Boys and Girls Club. He also suggested that a letter be sent to the John D. Eiland Company in appreciation for sponsoring "Fundfest Concert Series" that was held in Harrisonburg during the summer months.

At 8:57 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 Parks and Recreation Commission, Harrisonburg Redevelopment Housing Authority, and Building Code Board of Appeals, exempt from 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, and 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. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 10:04 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 were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Weaver offered a motion that Wayne V. Modisette, 33 Port Road, and Carl Harman, 1848 North College Avenue, be appointed to a second term on the Building Code Board of Appeals to expire on November 30, 2000. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

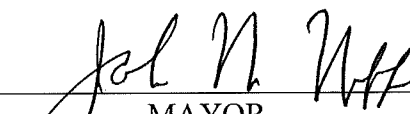
Council Member Rogers offered a motion that Wilma T. Bowers, 1150 Rockingham Drive, be appointed to a second term on the Parks and Recreation Commission to expire on December 31, 1999. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Vice-Mayor Dingledine offered a motion that Alan Miller, 660 Tower Street, be appointed to a second term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion to approve the proposed agreement with Rockingham County to shift water resources and provide back-up for emergencies. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 10:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## REGULAR MEETING

SEPTEMBER 26, 1995

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.; Council Members Hugh J. Lantz, Larry M. Rogers, Agnes Massie Weaver, and Chief of Police Donald Harper. Absent: City Clerk Yvonne Bonnie Ryan and Vice-Mayor Emily Dingledine.

Council Member Rogers delivered the invocation and Mayor Neff led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda including approval of the minutes and the second reading of grant funds for the Police Department. The motion also included setting a public hearing date on October 24 to consider granting a vacation of right-of-way on Pearl Lane and an alley closing request on Patterson Street. Council Member Lantz requested that Item #4b on the consent agenda be removed and considered as a separate item. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

Council Member Lantz offered a motion to amend Section 11-1-13 of the Harrisonburg City Code for a second reading instituting mechanical permit fees, but he recommended charging only \$35.00 for new constructed residential dwellings and eliminate adding an additional \$20.00 fee for a secondary heat source such as gas logs, wood stoves, and etc. The motion also included charging a flat fee of \$25.00 for a secondary heat source to an existing dwelling. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a petition from the residents of Old Town Neighborhood adjacent to James Madison University and Rockingham Memorial Hospital to change their parking zone from a red zone to a blue parking zone. Mr. Stewart explained that this request would change the restricted parking from a Monday through Friday schedule from 4:00 a.m. to 6:00 p.m. to seven days a week, 24 hours per day, which is allowed in the blue parking zone. Council Member Weaver offered a motion to approve for a first reading changing Old Town Neighborhood from a red parking zone to a blue parking zone. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

Council Member Weaver offered a motion granting Rockingham Memorial Hospital's Cancer Center, Women's Health Focus and The American Cancer Society an amended request to display a banner across South Main Street within the Central Business District, from September 30, 1995 to October 31, 1995. City Manager Stewart explained that Council had previously granted approval to the United Way to display their banner through October 16, 1995. The United Way and the Cancer Center have worked out an agreement to allow the Cancer Center to display their banner

from October 7, 1995 to October 31, 1995, as long as the United Way is permitted to re-display their banner for the month of November 1995. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request from the Redevelopment and Housing Authority to set a public hearing date of October 16 to consider a proposed application for the Virginia Enterprise Zone Program. Mr. Stewart explained that it was his understanding Jim Deskins of HRHA would be present to explain this request and he did not have any additional information available beyond what was included in the packet. But, he said if the City does wish to apply for The Virginia Enterprise Zone Program an application must be submitted by October 18, 1995. Council Member Rogers offered a motion to set a public hearing on October 16 at 7:30 p.m. to consider this application. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented for Council's consideration a first reading of an ordinance amending and re-enacting Section 7-4-1 (2) and 7-4-1 (8) of the Harrisonburg City Code. Mr. Stewart explained that these changes in the City Code are necessary in order to be compatible with a recently approved water agreement with Rockingham County on September 12, 1995. Council Member Rogers offered a motion that section 7-4-1 (2) and 7-4-1 (8) be approved for a first reading. The motion was seconded by Council Member Lantz, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart explained that at the August 22, 1995 meeting a proposed Road/Street and Subdivision Naming Manual was discussed with Council. A process was developed so that all the proposed names for streets and subdivisions would be coordinated through Rockingham County to avoid duplications. Council Member Weaver offered a motion to adopt this manual. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.


Mayor Neff explained that he had received a request from the Rockingham Council of the Arts to endorse their art's festival on October 28, 1995. He said the group plans to advertise the event and has requested that Council support the community-oriented nonprofit organization. Following further comments, Council decided not to endorse this event unless the request is made in person.

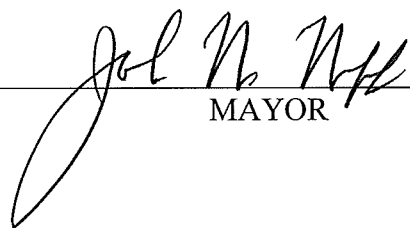
At 8:10 p.m. Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Parks and Recreation Commission, Harrisonburg Planning Commission, Harrisonburg Electric Commission and Harrisonburg Parking Authority, exempt from 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 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 with a unanimous vote of Council Members present.

At 8:33 p.m., the executive session was declared closed and the regular session reconvened. Assistant City Manager Baker 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 were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Rogers offered a motion that the City Staff be directed to provide water/sewer service to the Covenant Presbyterian Church on property that lies partially within the City limits. The water/sewer service to be provided shall be only one connection, with service lines adequate to provide water/sewer service to the church only and the church shall be charged at the rural rates for water/sewer as listed in the City Code. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

At 8:34 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
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ACTING CLERK

  
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MAYOR

## REGULAR MEETING

OCTOBER 24, 1995

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.

Human Resource Director McBride introduced one new City employee: Detra Shell, Commissioner of Revenue Department.

Council Member Weaver offered a motion to approve the consent agenda including approval of the minutes and the second reading of ordinance amending and re-enacting Section 13-1-60.01(b), Section 7-4-1 (2) and 7-4-1 (8) of the Harrisonburg City Code. The motion also included setting a public hearing on November 28 to consider an alley closing request on Monticello Avenue and referring the rezoning request by Valley Wellness Center, Inc. to the Planning Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and introduced a request that involves vacating a small island of land at the intersection of Pearl Lane and Bluestone Hills Drive which was dedicated to the City as part of the street right-of-way at the time of the subdivision approval. She said the City only needs seven and one-half feet behind the back of the curb for street and street sign maintenance, not the entire parcel, so the property owner indicated that he is interested in perhaps using this parcel for signage. She said the Planning Commission recommends that this parcel be vacated and returned to the property owner. City Council has the option whether or not to appoint a Board of Viewers.

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 Saturday, October 14 and Saturday, October 21, 1995.

**The Harrisonburg City Council will hold a public hearing on Tuesday, October 24, 1995, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider two (2) applications, the first to vacate a small portion of Pearl Lane and the second to vacate a portion of a sixteen (16) foot wide alley located next to 189 Patterson Street, in the City of Harrisonburg:**

- (1) **A request of the City Staff to vacate, back to the developer, a small portion of Pearl Lane owned by the City, consisting of approximately 225 square feet, that is located near the intersection of Pearl Lane and Blue Stone Hills Drive, in the City of Harrisonburg.**

**A copy of the recommendation 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, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

**All persons interested will have an opportunity to express their views at 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**

Mayor Neff called on anyone present desiring to speak either for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve this recommendation from Planning Commission for a first reading and not to appoint a Board of Viewers. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request to close and vacate an approximately 180 foot long and 16 foot wide alley located between 189 Patterson Street and property belonging to the railroad. She said the closing has been requested by James Madison University in order for the university to locate their facility management building which is now in the planning process. There are no utility easements within the alley and it has been recommended by Planning Commission for closing, however, JMU has not heard anything from the railroad regarding the alley closing. She said it would be appropriate before the second reading to have the railroad's approval and Council has the option whether or not to appoint a Board of Viewers.

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, October 14 and Saturday, October 21, 1995.

**The Harrisonburg City Council will hold a public hearing on Tuesday, October 24, 1995, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider two (2) application, the first to vacate a small portion of Pearl Land and the second to vacate a portion of a sixteen (16) foot wide alley located next to 189 Patterson Street, in the City of Harrisonburg:**

- (2) A request of James Madison University to vacate a portion of a sixteen (16) foot wide alley, one hundred eighty (180) feet in length, consisting of approximately 2,880 square feet, that is located along the side property line of their lot at 189 Patterson Street, in the City of Harrisonburg.

A copy of the recommendation 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, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at 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

Mayor Neff called on anyone present desiring to speak either for or against this request. There being no one desiring to be heard, the public hearing was declared close at 7:41 p.m., and the regular session reconvened. Council Member Weaver offered a motion to accept Planning Commission's recommendation for a first reading and not to appoint a Board of Viewers. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from JMU to temporarily close the western portion of Patterson Street to traffic and utilize some of the roadway for parking construction trailers during construction of the new Facilities Management Building. The area would be fenced off during the construction and would only be used by either construction and/or emergency vehicles from the City or JMU. The construction period is expected to last for approximately 18 months. Mr. Stewart said this request has been reviewed by the City and it has been recommended with two conditions (1) that provisions are made for access by emergency vehicles and (2) that the appropriate agreement with the adjacent property owners has been done to make sure that nobody is cut-off from their property during this construction period. Council Member Lantz voiced concern whether construction vehicles would be left parked in the middle of the street after the workers have gone home for the day. He said this point needs to be discussed so emergency vehicles will have access to the street. Vice-Mayor Dingledine offered a motion to approve this request provided the two provisions are met and that the street is left open for emergency vehicles. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion to approve the request from Downtown Harrisonburg Retail Merchants Associates to hold the Christmas parade on Friday, December 1, 1995 at 7:00 p.m. 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, Battery Heights Associates Limited Partnership, a Virginia limited partnership (the "Owner"), has requested the Harrisonburg Redevelopment and Housing Authority (the "Authority") to participate in the refunding of the Authority's Multi-Family Housing Revenue Refunding Bonds (GNMA Collateralized Mortgage Loan - Battery Heights Project), Series 1991A, in the aggregate principal amount of \$19,449,900, and its Multi-Family Housing Revenue Refunding Bonds (GNMA Collateralized Mortgage Loan - Battery Heights Project), Series 1991B, in the aggregate principal amount of \$680,000 (collectively, the "Bonds"), the proceeds of which Bonds were used to refinance the acquisition and construction of a 442-unit multifamily rental housing project in Manassas, Virginia (the "Project"), through the issuance and sale of revenue refunding bonds (the "Refunding Bonds") upon terms and conditions to be agreed upon between the Owner and the Authority; and**

**WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), on August 23, 1995, the Authority held a public hearing regarding the issuance of the Refunding Bonds; and**

**WHEREAS, as set forth in its resolution adopted at its regular meeting September 20, 1995 (the "Authority Resolution"), the Authority has recommended that the City Council of the City of Harrisonburg, Virginia, approve the issuance of the Refunding Bonds; and**

**WHEREAS, a copy of the Authority Resolution and a record of the public hearing with respect to the Project have been filed with the City Council of the City of Harrisonburg;**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG THAT:**

- 1. The City Council hereby approves the issuance of the Refunding Bonds by the Authority for the benefit of the Owner, to the extent required by Section 147 of the Code, to permit the Authority to assist in the refinancing of the Project;**
- 2. This approval of the issuance of the Refunding Bonds, as required by Section 147 of the Code, does not constitute an endorsement to any prospective purchaser of the Refunding Bonds of the creditworthiness of the Project, the Owner, or of the Refunding Bonds; and, provided in Section 36-29 of the Code of Virginia of 1950, as amended, the Refunding Bonds shall not be a debt of the City of Harrisonburg, the City of Manassas, the Commonwealth of Virginia or any political subdivision thereof (other than the Authority), and neither the City of Harrisonburg, the City of Manassas, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall such Refunding Bonds be payable out of any funds or properties other than those of the Authority. The Refunding Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.**

3. All costs and expenses in connection with the refinancing of the Project, including fees and expenses of the City of Harrisonburg and the attorney or attorneys for the City of Harrisonburg, shall be paid by the Owner. If, for any reason, the Refunding Bonds are not issued, it is understood that all such fees and expenses shall be paid by the Owner and that the City of Harrisonburg shall have no responsibility therefor.
4. This resolution shall become effective immediately.

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Date

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John N. Neff, Mayor

Attest:

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Clerk

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Jim Sipe, Attorney for the Redevelopment and Housing Authority, explained that in 1985 the Harrisonburg Redevelopment and Housing Authority issued a \$19,449,900 Multi-Family Housing Revenue Bond to fund the acquisition and construction of a 442-unit housing project in Manassas, Virginia. He said the maturity dates on these bonds are being extended. HRHA held a public hearing on August 23, 1995 as was required and has recommended approving the proposed issuance of these refunding bonds. Council Member Weaver offered a motion to approve the resolution as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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

**WHEREAS, Blue Ridge Community College has served over 50,000 students since 1967; and**

**WHEREAS, Blue Ridge Community College continues to serve a vital educational role in our community; and**

**WHEREAS, Blue Ridge Community College serves as the primary access point for non-traditional and first generation college students and is a leader in workforce training in the Shenandoah Valley,**

**We hereby proclaim that November 4, 1995 shall be designated Blue Ridge Community College Day in recognition of the College's distinguished service to our community.**

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Date

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John N. Neff, Mayor

**Attest:**

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**Clerk**

Vice-Mayor Dingleline offered a motion to approve the resolution recognizing November 4, 1995 as Blue Ridge Community College Day for 1995. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented Planning Commission's recommendation on changes to the Design and Construction Standards Manual (DCSM). She said most of the small changes to the DCSM are mainly loosening of standards and/or clarifying of standards that people had difficulty in understanding. One significant change is the paving standard regarding thickness and type of materials used in the structure of the pavement on the streets. The City uses one standard type on all residential streets consisting of six inches of stone, three inches of asphalt base, and one and three-quarters inches of asphalt surface. She said this was an average between the different types needed so that the City would have one standard making it easier for people to understand what was required. Since there were some concerns it has now been recommended to break it up into four sub-classes consisting of A, B, C, and D. Sub-class A being permanent cul-de-sacs, Sub-class B being loops and cross streets, not of fixed vehicle generation all the way up to Sub-class D which is a major subdivision street. She said this is a lowering of the standards for the Sub-classes A, B, and C type of streets. It is slightly greater pavement structure for the type D in the major subdivision streets. She said there was also some confusion on VDOT's minimum standard concerning the width of streets in order to receive maintenance funds for the street. Information has been received that 30 feet of payment including curb and gutter is necessary to receive maintenance funds from VDOT. She said that any street classified during sub-division review as a sub-class A for paving structure will have the allowable pavement width to 30 feet face-of-curb to face-of curb. On those streets allowing the street width reduction, parking will be restricted to only one side of the street so that emergency vehicles can have maneuverability on the street. Following further discussion and comments, Council Member Rogers offered a motion to accept Planning Commission's recommendations on the Design and Construction Standards Manual. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Treasurer Miller explained that although she is 99% sure her records are correct when she tries to reconcile the ledger with the Pentamation system she has a problem. She explained that in her letter to City Council on June 30th it was necessary to make a debit adjustment on 1994-95 Real Estate taxes in the amount of \$654.42. Also, she had to make a credit adjustment to the ledger on 1994 Personal Property taxes in the amount of \$562.33. This was necessary for the ledger to agree with the system. She said since these adjustments were made on June 30th, Pentamation has made several adjustments to the system so now it is necessary to reverse the figures. She explained that this is the only solution to have the ledger agree with the Pentamation system as they make adjustments for corrections to the system. Council Member Weaver offered a motion to authorize the City Treasurer to make adjustment to the ledger as requested. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

City Treasurer Miller explained some of the procedures for collection of delinquent taxes. She said her department has tried to collect these delinquent real estate taxes including mailing demand letters, publishing legal advertisement and filing suit. But, she said some of the other procedures including court orders sales and public auctions have not been followed. City Attorney Thumma explained that most of these delinquent taxes are on vacant lots and before he can file suit he must have somebody to serve the process on or the court will not hear the case. He said he has been to the courts and cannot find owners or a list of heirs on some of these lots regarding the delinquent taxes. There is a 20 year statute of limitation on real estate taxes and after this time the taxes have to be charged off. The City can advertise and file suit on these taxes every year. Council suggested that City Treasurer Miller follow the defined process to enforce the procedures to collect the delinquent real estate taxes.

City Treasurer Miller explained that she is requesting authorization to charge-off outstanding checks on Crestar Bank for the years ending December 31, 1993 and December 31, 1994. She said these are City checks totally \$6,775.80 which have never cleared the bank and the majority are invoice checks. She noted the bank will not honor these checks after one year. Council Member Lantz offered a motion to charge-off these checks. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Human Resource Director McBride presented a request to have the City Attorney modify the City's existing Cafeteria Plan Document to include Flexible Spending Accounts and provide authorization to pay the first month's plan administration fee and employee contributions prior to realizing FICA savings and withholding deductions from employee pay checks. He explained that recently the City had teamed with the City of Harrisonburg Public Schools system to issue a joint RFP to select a third party administrator to administer Flexible Spending Accounts as provided in Section 125 of the Internal Revenue Code. Flexible Spending Accounts will enable employees to pay expenses which may not be covered by other benefit plans on a pre-tax basis. Flexible Spending Accounts include options to assist with both health care and child care services. He said some examples of what these expenses might include would be health insurance deductibles, medical co-payments, dental bills, prescription eyeglasses, and child care expenses. Flexible spending accounts allow an employee to use "pre-tax" money to pay for services that would otherwise be paid for with post-tax dollars, resulting in tax savings to the employee. Plan administration fees under this proposal would be funded from FICA savings realized by the City. The administration fees would be \$2.50 per participant per month per plan enrolled in. The fees would actually be covered by the City's FICA savings. The firm of Layman, Diener and Borntrager has been selected to serve as the third party administrator. Implementation is planned for January 1, 1996. Mr. McBride described the plan as a win-win proposal for both City employees and the City. Council Member Lantz offered a motion to approve this plan as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Attorney Thumma presented an easement from the Parks and Recreation Department. He explained that Shenandoah Valley Electric Corporation which provides power to a City park at Rawley Springs has an existing power line at the park they want to abandon and relocate a new line into the pump house owned by the City. In order for this to happen the easement needs to be approved by City Council directing the Mayor to sign the easement which will grant Shenandoah

Valley Electric Corporate the right to erect their line and provide power to the pump house. Vice-Mayor Dingleline offered a motion to approve the easement. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for approval of supplemental appropriations from the funds to the Fire Department. He said these funds were carried over from last year and are a combination of E-911 funds and fire program funds. He said the hazmat supplies figure should be deleted and the corrected amount should be \$29,635.20 which is a combination of E-911 and fire programs fund. Council Member Weaver offered a motion to approve this request for a first reading and that:

\$29,635.20 chge. to: 1000-31010 Reappropriation of funds reserved in General Fund

\$18,366.95 approp. to: 1000-350532-45240 911  
11,268.25 approp. to: 1000-320132-48203 Fire Programs Funds

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

William Holloway introduced himself to Council and said that he has been a policeman in the City of Harrisonburg for 29 years. He said he was a candidate for Sheriff of Rockingham County. Also, he said he had visited most of the Town Councils and wanted to make a statement that if elected to the position that he was committed to working 100% with the elected officials and making the County one of the safest places around.

Council Member Rogers stated that a neighbor who lives on New York Avenue brought to his attention that parking on both sides of the street is a major hazardous situation. This request will be referred to the Police Department and the Public Works Department.

City Manager Stewart reminded everyone of the final of the three public hearings on revised zoning and sign landscape ordinances on October 25, 1995 at 7:00 p.m..

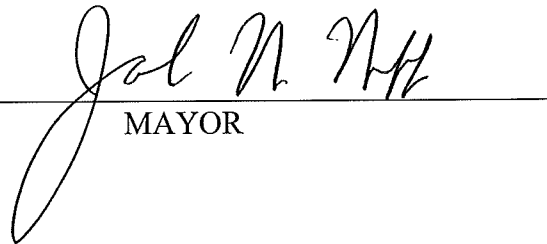
At 8:35 p.m. Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Parks and Recreation Commission, Harrisonburg Planning Commission, Harrisonburg Electric Commission, and the Harrisonburg Parking Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney, special counsel and briefings by staff members pertaining to two (2) proposed contracts and one (1) existing agreement, requiring, requiring the provision of legal advice by the City Attorney, and special counsel, 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 Dingleline, and approved with a unanimous vote of Council.

At 10:15 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 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 were convened were heard, discussed or considered in the executive session by the City Council.

At 10:16 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## REGULAR MEETING

NOVEMBER 14, 1995

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.

Mayor Neff delivered the invocation and led everyone in the Pledge of Allegiance.

Council Member Weaver offered a motion to approve the consent agenda including approval of the minutes, the second reading of E-911 reappropriation funds and vacating a small island of land at the intersection of Pearl Lane and Bluestone Hills Drive. The motion also included setting a public hearing on November 28 to consider the Capital Improvement Program and amending Section 10-3-90 of the Harrisonburg City Code. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

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

**The Industrial Development Authority of Rockingham County, Virginia (the "Authority") has considered the application of Eastern Mennonite University (the "University") requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$8,500,000 (the "Bonds") to assist the University with one or more of the following projects: (I) the refunding of all or a portion of the outstanding balance of the Industrial Development Authority of the City of Harrisonburg, Virginia \$2,250,000 Higher Education Facilities Revenue Bonds (Eastern Mennonite College Project) issued December 16, 1988 to finance certain improvements and additions to the University; (ii) the acquiring, constructing, and equipping of a new dormitory; (iii) the acquiring, constructing, reconstructing, and equipping of additions to, and renovations of, an existing dormitory (North Lawn) in the City of Harrisonburg, Virginia; and (iv) the funding of certain possible reserve funds and/or capitalized interest accounts and certain costs of issuance as may be necessary to the proposed issuance of bonds (collectively, the "Project");**

**Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental units having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the Bonds;**

**Section 15.1-1378 of the Code of Virginia of 1950, as amended (the "Virginia Code"), provides that if a locality has created an industrial development authority, no industrial development authority created by a second locality may finance a facility located in the first**

locality unless the governing body of such first locality concurs in the inducement resolution adopted by the industrial development authority created by the second locality;

The Authority issues its bonds on behalf of the County of Rockingham, Virginia (the "County"); the Project is located in the City of Harrisonburg (the "City"); the City Council of the City (the "City Council") constitutes the highest elected governmental unit of the City and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County;

The Authority has held a public hearing on the issuance of the Bonds on November 7, 1995, and has recommended that the issuance of the Bonds be approved in accordance with the law; and

A copy of the Authority's inducement and initial resolution (the "Authority's Resolution") approving and authorizing the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a fiscal impact statement have been duly filed with the City Council.

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

1. The City Council concurs with the Authority's Resolution as required by Section 15.1-1378 of the Virginia Code and, to the extent required by law, if at all, approves the issuance of the Bonds by the Authority for the benefit of the University, as set forth in Section 147(f) of the Code and Section 15.1-1378.1 of the Virginia Code to permit the Authority to assist in the financing of the Project for the benefit of the University.

2. This concurrence with the Authority's Resolution, and, to the extent required by law, if at all, approval of the issuance of the Bonds by the Authority for the benefit of the University, does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the University.

3. This Resolution will remain in effect for a period of one year from the date of its adoption.

4. The Bonds shall provide that they shall not be deemed to constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority, the County and the City, and that neither the Authority nor any other political subdivision shall be obligated to pay the principal of, premium, if any, or interest on the Bonds or other costs incident thereto, except from the revenues and monies pledged therefor, and that neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the County and the City, shall be pledged for the payment of principal or premium, if any, or interest on the Bonds or other costs incident thereto.

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

ADOPTED: November 14, 1995

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Mayor  
City of Harrisonburg, Virginia

**CERTIFICATE**

The undersigned Clerk of the City Council, City of Harrisonburg, Virginia hereby certifies the attached is a true and correct copy of the Resolution of the City Council of the City of Harrisonburg, Virginia. The is in full force and effect on and as of the date hereof.

WITNESS my hand and the seal of the Clerk of the City Council, City of Harrisonburg, Virginia this 14th day of November, 1995.

[SEAL]

\_\_\_\_\_  
Clerk of the City Council  
City of Harrisonburg, Virginia

Carolyn Perry, with the law firm of Wharton, Aldhizer and Weaver, explained that this resolution would allow Eastern Mennonite University to issue tax exempt bonds not to exceed \$8,500,000 to finance a new dormitory project and also to refinance some existing and presently outstanding debt. She said the university has elected to use Rockingham County Industrial Development Authority so that it does not obligate the City in anyway nor does it count against the City's bond capacity nor is it an endorsement by City Council. Because the facility is located within the City of Harrisonburg it does require approval by the City Council. Council Member Weaver offered a motion to approve the resolution as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Anne Stephens, Festival Director for First Night, requested support for the festival by closing some of the streets in downtown Harrisonburg on New Year's Eve. She thanked Council for its support in recent years and said that First Night will work with the appropriate departments and authorities to address all the safety concerns, code requirements and restrictions. She announced that several of the favorite entertainment will be returning for the festival. Vice-Mayor Dingledine offered a motion to approve the request 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 water service by Wampler-Longace, Inc. He said that WLR is requesting the water service for its turkey hatchery located in Rockingham County. The company has experienced some well water problems and are requesting approximately 10,000 gallons of water per day during the week and 5,000 gallons of water per day on weekends. Mr. Stewart said that WLR has been advised that this request would be in conflict with the current

moratorium currently on water and sewer services outside the City. It is recommended that this item be referred to the City/County Liaison Committee for their recommendation. Council Member Rogers offered a motion to refer this item to the City/County Liaison Committee for their recommendation. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Mike Helberg, President of the Downtown Retail Merchants Association, and owner of a business for 23 years in downtown Harrisonburg stated that a lack of parking and high fines for meter violations are driving customers away which has affected his business. He said the association has complained to the Parking Authority but the authority routinely states it cannot address the merchants' concerns because the City does not provide it with enough funding. He suggested getting rid of some of the meters in downtown and abolishing the City's Parking Authority. He also said he has made suggestions and presented plans to the Parking Authority concerning the parking. The City has an ordinance and it should be enforced or else voted out. He said if the situation is not corrected there will more empty buildings in downtown and the new projects being built in downtown should include parking spaces. Mayor Neff noted that all of the new projects being planned have parking built in as part of the concept of the development of the properties. This includes the Social Services building and the Denton Center which will have parking spaces to support the facilities. Mayor Neff expressed that Council is concerned about these problems and wants to become citizen friendly in the downtown area. He mentioned one of the options might be free parking but dissolving the Parking Authority would be another matter. He said if everyone worked together these problems could have some good solutions. City Manager Stewart noted that the Parking Authority has a space for an exofficio member from the Retail Merchants Associations but no one has attended for over a year.

City Manager Stewart presented Phase II of the report from Draper Aden on the preliminary design for the Resource Recovery Facility expansion for steam and chilled water for the new CISAT campus at JMU and also the co-generation project with Harrisonburg Electric Commission. He said the project continues to be an economically feasible project. Glenn Swinehart, Mechanical Engineer and Project Director for Draper Aden, said there are many central and heating cooling plants across the nation including a number on campuses but there are very few facilities that incorporate resource recovery central heating, cooling and co-generation all into one central energy facility. The project development includes three phases. Phase one was the conceptual development and feasibility phase. Phase two include the preliminary design and equipment phase. The final phase is design and construction. He said the first two phases have been completed on time, schedule and budget. The preliminary design of Phase II project is estimated to cost \$5.2 million dollars. It is important to note of the 5.2 million dollars three million has actually been bid and is a firm cost based on equipment bids combined with engineering. The 5.2 million estimate provides a very high level of comfort in terms of contingency with regards to a 6 million bond issue. Now it is time to proceed to phase III which is the final design and construction phase. This phase will demand money in order to begin the project so Draper Aden would like to have in place letters of intent by the end of November or the first of December to maintain the current schedule. According to the schedule ground breaking would occur in January with the site development work, evaluation and construction with completion planned for August, 1996. City Manager Stewart reminded everyone that the debt service will be paid by James Madison University. The Harrisonburg Electric

through trade show efforts and targeted print advertising. Council Member Rogers offered a motion to support Shenandoah Valley Partnership Protocol and Procedures. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Brian Shull also shared with Council some of the targets the partnership is trying to get interested in Harrisonburg. He said after attending several trade shows that plastic and auto parts should be very strong in this area. There is also a strong showing of agri-business. Trade show activities are a very good way of pulling in more prospects for the City. He mentioned that the state continues to grow in comparison with its neighbors in economic development, and that representatives from the Department of Economic Development will be visiting the Harrisonburg area on November 21 and 22.

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and introduced a request for final subdivision plat approval of a 17 lot subdivision at the end of the Emerald Drive. She said 15 of these lots will be townhouse lots and two will be common area owned by a property owners association. This property is zoned R-3, all proposed lots are in compliance with the zoning and Planning Commission has recommended approval. The site plan has been approved by the City and appropriate bonds have been posted. Council Member Weaver offered a motion to accept Planning Commission's recommendation for approval. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and introduced a request for final plat approval involving a little over five and one-half acres at the intersection of Pleasant Hill Road and South Main Street. She said it has been proposed to be subdivided into two lots with lot one containing approximately 3.2 acres and lot two of approximately 2.4 acres. The owners have indicated that they will preserve an existing wooded area at the western boundary of the property and this will provide a good buffer between the two incompatible land uses. Mrs. Turner said no bonds are required to be posted for this property and all lots are in conformance with all zoning requirements and Planning Commission has recommended approval. Vice-Mayor Dingledine offered a motion to accept Planning Commission's recommendation for approval. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion granting Harrisonburg High School's request to display a banner across South Main Street within the Central Business District, from April 29, 1996 to May 10, 1996. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council. Council Member Lantz requested that the questionnaire sheet be revised to contain a request for a drawing of exactly what would be placed on the banner.

Superintendent Good presented a request for school fund transfers. He said the total appropriation by the Harrisonburg City Council to the school board matched the school board's adopted budget by total but not by function categories. Council Member Weaver offered a motion to approve this request for a first reading and that:

\$39,156.00 chge. to: 1111-40640 Operation and Maintenance

\$ 7,278.00 approp. to: 1111-40610 Instruction

31,406.00 approp. to: 1111-40620 Administration/Attendance/Health

472.00 approp. to: 1111-40620 Food Service

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

Superintendent Good presented a request for Supplemental Appropriation from unanticipated receipts from federal programs and Massanutten Technical Center. Additional Federal dollars will be received for various grant programs. He said no new local dollars are necessary for this supplemental appropriation. Vice-Mayor Dingledine offered a motion to approve this request for a first reading and that:

\$22,360.00 chge. to: 1111-S330202 Title 1 - Formerly Chapter 1

13,369.00 chge. to: 1111-S330214 Emergency Immigrant Ed. Assistance

14,584.26 chge. to: 1111-S330228 Drug Free Schools Grant

18,186.00 chge. to: 1111-S330203 Title VI - Formerly Chapter 2

67,221.49 chge. to: 1111-S1803032 Rebate and Recoveries - Other Funds

\$135,720.75 approp. to: 1111-40610 Instruction

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

Council Member Weaver mention that she had receive a telephone call concerning the lower channels on the cable TV not working and would this always be a problem in bad weather. City Manager Stewart will talk to Warner Cable.

Council Member Weaver noted that she had received a telephone call about people not stopping at the intersection of Reservoir Street and Myers Avenue. City Manager Stewart commented that about two and one-half years ago the intersection was improved by the City when purchasing and removing a house at this intersection. There have been four accidents at the intersection in recent years.

Council Member Lantz commented that two members of the Deer Task Force have voiced concern about what are they actually suppose to be doing on the study of the deer population in the City. He mentioned several concerns and that the members feel like they do not have any input into the deer population study and that it is only a biological study.

City Manager Stewart reminded everyone of the employee award ceremony being held on November 15 in Council Chambers with a reception to follow. He said this is the first City wide employee appreciation award ceremony.

City Manager Stewart said that the City/County Liaison Committee would be meeting in the County Administration building on November 17, at 7:00 a.m. to discuss the HATS study.

City Manager Stewart said that there is a regional VML meeting in Charlottesville on December 6, starting at 5:45 p.m.

Mayor Neff said that Item Number E on the consent agenda needs to be modified. Vice-Mayor Dingledine offered a motion to set a public hearing on December 12 to consider a request to amend Section 10-3-90 of the Harrisonburg City Code. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 9:40 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 Parks and Recreation Commission, Harrisonburg Planning Commission, Harrisonburg Electric Commission, Community Service (Chapter 10) Board, Harrisonburg Parking Authority, and the evaluation of a City Department, 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 with a unanimous vote of Council.

At 10:48 p.m., the executive session was declared closed and the regular session reconvened. City Manager Stewart 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 were convened were heard, discussed or considered in the executive session by the City Council.

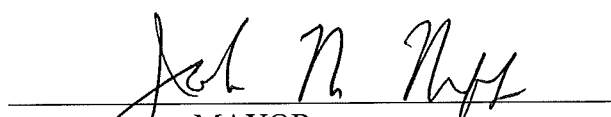
Council Member Rogers offered a motion that James B. Richardson, Jr. 444 Myers Avenue, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2000. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Vice-Mayor Dingledine offered a motion that Paul McFarland, 99 Laurel Street, be appointed to a first term on the Community Services (Chapter 10) Board to expire on November 14, 1998. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Charles R. Chenault, 976 South Dogwood Drive, be appointed to a first term on the Parks and Recreation Commission to expire on December 31, 1999. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 10:50 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## REGULAR MEETING

NOVEMBER 28, 1995

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 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. Absent: Mayor John Neff.

Vice-Mayor Dingleline delivered the invocation and led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda including approval of the minutes, and the second reading of a School Fund transfer request. The motion also included the second reading of supplemental appropriations from Federal grant programs, a rebate from Massanutten Technical Center, and referring a small portion of Park Lawn Drive to the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

At 7:34 p.m., Vice-Mayor Dingleline 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 18 and Saturday, November 25, 1995.

**The Harrisonburg City Council will hold a public hearing on Tuesday, November 28, 1995, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Joseph T. Sefcik to vacate a twenty (20) foot wide portion of an alley from Monticello Avenue to the rear lot line of 410 Monticello Avenue, in the City of Harrisonburg.**

**A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the alley to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

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

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

**Steven E. Stewart  
City Manager**

Planning and Community Development Director Turner called Council's attention to a large scale map of the area and introduced a request to close a portion of an alley. She said the area to be closed involves a 35 foot wide strip of land from Monticello Avenue to Myers Avenue. In 1974, Mr. Joseph Sefcik purchased and developed four acres of land at the south end of Monticello Avenue and at that time the City requested that he dedicate a 35 foot wide strip of land on the north side of the tract for a future street connection. The street has not been constructed so Mr. Sefcik has requested that the alley be closed and vacated at this time. Mrs. Turner mentioned this strip would not be needed for any future street development. A 15 foot wide alley adjacent to the property will remain open for a pedestrian walkway. She said no one spoke in opposition at the public hearing and Planning Commission has recommended approval. However, there were some comments made by Mr. Sefcik concerning whether he would be required to compensate the City for this property since he had been the original developer, but was advised that would be the decision of the City Council. City Manager Stewart said that he and the City Attorney Thumma had discussed this proposed closing and according to the City Code if the original developer requests the closing, then the only cost would be for filing the application and advertisements for the public hearings. Vice-Mayor Dingledine called on anyone present desiring to speak either for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Weaver offered a motion to close this alley for a first reading and that Mr. Sefcik should not pay the City for the alley since he was the original owner of the property. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

At 7:40 p.m., Vice-Mayor Dingledine 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, November 14 and Tuesday, November 21, 1995.

**Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the "Council") will hold a public hearing on the adoption of a proposed resolution authorizing the issuance by the City of Harrisonburg, Virginia (the "City"), without a referendum, of general obligation public improvement bonds in an aggregate principal amount not to exceed \$6,000,000, pledging the full faith and credit of the City (the "Bonds"). It is expected that the Bonds will be sold to the Virginia Resources Authority and may be sold at one time or from time to time. The proceeds of the Bonds will be used to finance the costs of the construction, development and equipping of a solid waste and resource recovery facility which will provide steam and chilled water to the new CISAT campus at James Madison University. This facility will be located adjacent to the City's existing solid waste and resource recovery facility.**

**The public hearing, which may be continued or adjourned, will be held at 7:30 p.m. on Tuesday, November 28, 1995, before the Council, in the Council Chambers in the Municipal Building at 345 South Main Street, Harrisonburg, Virginia 22801. Any person interested in the issuance of the Bonds, the security therefor or the purposes for which they are being issued, may appear at the hearing and present his or her views.**

**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**

City Manager Stewart explained after two years of discussions between the City of Harrisonburg and James Madison University this project would expand the Resource Recovery Facility allowing the City to provide steam and chilled water to the new College of Integrated Science and Technology. The project would allow the City of Harrisonburg to provide the up-front financing for the improvements to the Resource Recovery Facility by issuing bonds not to exceed \$6,000,000 dollars. He said the operating agreement with JMU would require the university on an annual basis to pay to the City the cost of the debt service plus annual costs for operating and maintaining the expanded facility. Council is being asked to approve the bond resolution that would authorize the issuance of up to \$6,000,000 in General Obligation bonds through the Virginia Resource Authority. Bill Derry with the law firm of Mays and Valentine provided an overview of the steps needed for this project. He said the resolution has been drafted with the expectation that the bonds will be sold by the City to the Virginia Resource Authority. He said several sections included authorization for the bonds, the basic terms, and customary provisions regarding registration and transfer of the bonds. The City Treasurer will serve as registrar and paying agent for the bonds. He said another section addresses the VRA selling the bonds publicly and preparing an official statement for use in the sale of the bonds. Once the resolution has been approved a copy will be filed in the Rockingham County Clerk's office. The effective date of the resolution is November 28, 1995. The City would be expected through the City Manager and Director of Finance to acknowledge and agree to the established rates. After the bond purchase agreement has been signed there will be a closing. This will allow the bonds to be issued in 1995 and permit the City to issue additional bonds if it wished in 1996 for other projects. Vice-Mayor Dingledine called on anyone present desiring to speak either for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve the bond resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

At 7:53 p.m., Vice-Mayor Dingledine 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 18 and Saturday, November 25, 1995.

**The Harrisonburg City Council will hold a public hearing on Tuesday, November 28, 1995, 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 1996-97 through 2000-2001. 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, 8:00 a.m. to 5:00 p.m.**

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

**Any persons 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 and Community Development Director Turner presented the 1996-97 through 2000-01 Capital Improvement Program. She reviewed the different projects in the report. Mrs. Turner explained that the hydraulic rescue tool should be deleted from the report because it will be included on the new ladder fire truck that the Fire Department plans to purchase. Mrs. Turner said the current structure on Cantrell Avenue Bridge will be repaired and the bridge at Pleasant Valley Road will be widened and rebuilt. The Pavement Management System is something that would enable the City to keep track of the condition and repair schedule of the different pavements and streets in the City on a computer system. The railroad crossing improvements at Maryland Avenue and other railroad crossing improvements will be discussed at a later time because they tie in with ISTEA grants. East Market Street at Cantrell Avenue project and four-laning of Cantrell Avenue project are items that have been previously discussed as VDOT requested projects. Improvements to the drainage system in Park View will be made. The traffic lights at Reservoir and Neff and Evelyn Byrd and Neff Avenue are new lights in this CIP that were not included last year. The Parks and Recreation Department involves two paving projects including paving at Westover and Purcell Park parking lots and walkways replacing pavement that has become worn and will enable the City to meet the ADA requirements. Softball field bleachers will be replaced at Purcell Park. Additional playground equipment at Ralph Sampson Park was in last year's CIP. The financed road improvements were in the program last year and contingent on \$7,100,000 bond issue. Mrs. Turner

mentioned several road projects that were in the program last year and are still contingent on a community development block grant. The traffic lights at University and Reservoir and Reservoir and Neff are partially funded through the Hazard Elimination Grants. She pointed out that the Elementary School project is contingent on the \$5,925,000 bond issue. The Silver Lake Pump Station is new. The steel tanks reservoir is a new project. The Tower Street concrete reservoir includes painting and also covering it. The vehicle replacements are not new but were lumped together in last year's general equipment replacement request. The Hillandale and Southampton upgrade are not new but are part of the City's ongoing infiltration/inflow abatement program. The Shandshill Pump Station is new. Last year the upgrading of the fuel tanks was in the central store fund with combination of maintenance activities and this year is an upgrade of the tanks. There being no one desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the Capital Improvement Program as presented. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

David Kocka who has served as an technical adviser to the Deer Task Force presented an interim report on the Deer Population in Harrisonburg. He said the task force was organized from a public meeting held in January 1995 and has held several meetings since May. One of the groups main objectives was to find out how people perceived the deer and whether something should be done about them. As a group it looked at deer habitat in the City and how many animals a given habitat could support to keep the herd healthy. He said about 47 percent of Harrisonburg is agricultural land, open land or wooded land which all is appropriate for deer habitat. Another 17 percent of City land is residential areas next to parks and wooded areas which is also suitable for deer. He said the task force looked at the experiences of other urban areas in Virginia which are trying to control deer populations. The task force also looked into deer contraception because it was suggested by citizens (at the January meeting) as a method of controlling deer numbers. He said in September five deer were collected from Hillandale Park to look at the condition of the deer. Fat content was recorded at several locations throughout the body of the deer and a count was made of the worms in the abomasum (one of the deer's four stomachs) to determine the density of deer relative to biological carrying capacity. Generally, the deer are in fair condition overall. He suggested that the task force continue to study the deer population and problems.

Vice-Mayor Dingledine presented the following resolution for Council's consideration of approval:

**WHEREAS, on June 10, 1986, the City Council (the "Council") of the City of Harrisonburg, Virginia (the "City"), after a public hearing conducted by the Harrisonburg Redevelopment and Housing Authority (the "Authority"), approved an issue of \$13,100,000 of tax-exempt revenue bonds (the "Amberton Bonds") by the Authority to assist Dimension-Amberton Associates, Ltd. ("Amberton") in acquiring and constructing a multi-family apartment complex consisting of 190 units located at 11989 Coverstone Hill Circle, Manassas, Prince William County, Virginia (the "Amberton Project"); and**

**WHEREAS, on October 22, 1985, the Council, after a public hearing conducted by the Authority, approved an issue of \$26,500,000 of tax-exempt revenue bonds (the "Paradise Ridge Bonds") by the Authority to assist Paradise Ridge Associates Limited Partnership (together with Amberton, the "Developers") in acquiring and constructing a multi-family apartment complex consisting of 432 units located on the south side of Sudley Manor Drive approximately one-half mile west of Route 234 (Sudley Road) in Prince William County, Virginia (together with the Amberton Project, the "Projects"); and**

**WHEREAS, on September 20, 1994, the Amberton Bonds were refunded by the Authority's Multi-Family Housing Revenue Bonds, 1994 Issue A (Amberton Apartments Project) in the original aggregate principal amount of \$10,705,000 and the Authority's Multi-Family Housing Revenue Bonds, 1994 Issue B (Amberton Apartments Project) in the original aggregate principal amount of \$865,000 (the "Prior Amberton Bonds") and the Paradise Ridge Bonds were refunded by the Authority's Multi-Family Housing Revenue Bonds, 1994 Issue A (Paradise Ridge) in the original aggregate principal amount of \$25,110,000 (together with the Prior Amberton Bonds, the "Prior Bonds"); and**

**WHEREAS, the Developers have requested the Authority to issue its tax-exempt multi-family housing revenue refunding bonds (the "Refunding Bonds") to refund the Prior Bonds; and**

**WHEREAS, the maturity date of the Refunding Bonds will in each case be later than the maturity date of the Prior Bonds, and under such circumstances the Tax Reform Act of 1986 and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") require new public hearing on and approval of the Refunding Bonds in order for the Refunding Bonds to be tax-exempt; and**

**WHEREAS, the Authority has held a public hearing on November 15, 1995, on the Developers' requests to the Authority to issue the Refunding Bonds; and**

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

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

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

1. **The Council hereby approves the issuance of the Refunding Bonds by the Authority for the benefit of the respective Developers to the extent required by Section 147(f) of the Code.**
2. **Approval of the issuance of the Refunding Bonds, as required by Section 147(f) of the Code, does not constitute an endorsement of the Refunding Bonds or the creditworthiness of either Developer. The Refunding Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Refunding Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or the City shall be pledged thereto.**
3. **This resolution shall take effect immediately upon its adoption.**

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**Date**

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**Emily R. Dingledine, Vice-Mayor**

**Attest:**

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**Clerk**

Jim Sipe, Attorney for the Redevelopment and Housing Authority, explained that in 1986 the Harrisonburg Redevelopment and Housing Authority issued a \$13,100,000 tax-exempt revenue bonds to assist Dimension-Amberton Associates, Ltd. in acquiring and constructing a multi-family apartment complex consisting of 190 units in Manassas, Virginia. In 1985 the Harrisonburg Redevelopment and Housing Authority issued a \$26,500,000 tax-exempt revenue bonds to assist Paradise Ridge Associates Limited Partnership in acquiring and constructing a multi-family apartment complex consisting of 432 units located in Prince William County, Virginia. He said the maturity date on these bonds will be extended. HRHA held a public hearing on November 15, 1995 as was required and has recommend approving the proposed issuance of these refunding bonds. Council Member Rogers offered a motion to approve the resolution as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

✓ Vice-Mayor Dingledine asked if everyone had reviewed the draft agenda for the December 4 meeting with the School Board and if there were any questions. Everyone agreed it was fine.

Director of Social Services Driver presented a request to consider an appropriation of matching funds for Community Policy and Management Team for the Comprehensive Services Act. He explained that in 1993 the U.S. Congress passed the Family Support and Preservation Act through which services can be provided to support the strengthening and continuance of the family unit for those at risk of out of home placements. The Act provides communities funding to creatively develop services that will enhance families' capacities to remain intact. The Act establishes \$10,000 for use for Harrisonburg citizens of which requires a 10% local match. He said it would allow his department to provide wrap around services through a contractual relationship with private vendors to keep these families intact and would save the community money. It will also target the most needy families. Following further discussion and comments, Council Member Lantz offered a motion to approve this request using existing funds rather than appropriate additional funds. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart presented a contract for purchasing and financing a new 100' aerial ladder tower for the Fire Department. He explained that this item has been in the CIP for several years and it would be a lease purchase arrangement to spread the cost of this very expensive piece of equipment over a three year financing period. He also said approval is needed to award the contract to KME Fire Apparatus and to approve the financing of the lease purchase agreement with Crestar Bank at 4.4% fixed rate. The first payment of \$125,000 was included in the 1995-96 budget. Fire Chief Shiflett said this vehicle would replace the current ladder truck. The department has been experiencing some significant problems with the current ladder truck which by the time the new truck is delivered will be 18 years old. The ladder truck has been used in both residential and commercial fires. Council Member Weaver offered a motion to approve the contract and financing for the new 100' aerial ladder truck. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart presented a contract with GTE to upgrade E-911 telephone equipment in the Emergency Operations Center. He explained that the 911 telephone equipment in the EOC has not been upgraded since its installation in 1988. There are a number of enhancements that have come out recently and the City and County have been working together viewing these enhancements. On the current monthly telephone bill there is a 60 cent charge for E-911 which will provide the funding to support the 911 system for both the City and County operated out of the City's Emergency Operations Center. The County pays 59% of the costs of operating the E-911 and the City pays 41% of the cost. Fire Chief Shiflett explained that the new contract with GTE for the enhanced services will improve 911 calls coming into the Dispatcher at EOC. As it is now if the caller hangs up the Dispatcher has no indication that a call came into the EOC other than a printer located behind the console, but it will not show up on the Dispatcher's screen. This system would provide an indicator on the computer screen for the Dispatcher that a call was received but was abandoned. The new system will allow more customized information of the computer screen. The

department has had for a number of years hearing impaired devices in EOC but it was a separate device from the console. Under the new system the Operator can converse with the TDD caller via an integrated keyboard. The system will also have an instant digital call playback feature. He said the 911 headset equipment will be improved. Council Member Rogers offered a motion to approve this new contract with GTE to upgrade E-911 telephone equipment. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

Vice-Mayor Dingleline presented the following resolution for Council's consideration of approval:

**WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council resolution be made in order that the Department program an urban highway project in the City of Harrisonburg; now**

**THEREFORE BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish the following rail/highway crossing improvement projects:**

<b>Project Name</b>	<b>Location</b>	<b>Department of Transportation ID No.</b>
Maryland Ave. Crossing	.05 Mile West of Main Street	DOT859978L
Rock Street	Intersection of N. Liberty Street	DOT859970G
Reservoir Street	06 Mile East of Cantrell Ave.	DOT842233W

**BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to pay its share, 10.0%, of the total costs for preliminary engineering, right-of-way and construction of this project, and that if the City subsequently elects to cancel this project, the City hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1995  
City of Harrisonburg, Virginia

By: \_\_\_\_\_  
Vice-Mayor

**ATTEST:**

\_\_\_\_\_  
Clerk of Council

Director of Public Works Baker explained that the City had applied for grant funding for improvements at three railroad crossings. The first project at Maryland Avenue should improve the surface crossing and engineering design. A sideline project at Maryland Avenue would include widening the street west of Main Street to the bridge over Blacks Run. Mr. Baker also said this improvement was not part of the grant process but would be needed to make safety improvements. The second project at Rock Street at the intersection of North Liberty Street would involve flashing warning lights. The third project at Reservoir Street at Cantrell Avenue would involve flashing lights and gates. The City is required to allocate ten percent matching funds for each project. Council Member Lantz offered a motion to support this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

✓ Vice-Mayor Dingledine presented the following resolution for Council's consideration of approval:

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

**WHEREAS, Mayor John N. Neff is a principal owner and President of Nielsen Construction Company, Inc.**

**WHEREAS, the City of Harrisonburg intends to solicit competitive sealed bids on a project to make improvements and additions to the City's Resource Recovery and Steam Generation Facilities, and**

**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 a contract.**

**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, Inc., of which Mayor John N. Neff is a principal owner, to bid on such contract with the City of Harrisonburg to make improvements and additions to the Resource Recovery and Steam Generation Facilities of the City.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Vice-Mayor

Attest:

\_\_\_\_\_  
Clerk

City Attorney Thumma explained that he had received a letter from Jim Lane, Attorney for Nielsen Construction Company, requesting that Council consider a resolution that would allow Nielsen Construction to bid on any improvements and additions to the City's Resource Recovery Facility. This resolution is requested pursuant to Section 2.1-639.7B3 of the Code of Virginia. Council Member Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Treasurer Miller complained that she was not being informed concerning any new ordinances that applied to her office. She mentioned that it probably was a lack of communication, but since Ordinance 13-1-60.01(b) would change some residential permit parking zones from red to blue that she should have been allowed to provide input into this matter. The parking permits, guest cards and auto decals expire March 31 and she suggested that this new ordinance should have gone into effect in February when the new decals go on sale. City Attorney Thumma clarified the issue by stating since the ordinance was not going into effect until December 1st that anyone who had a red sticker should exchange it for a blue sticker. It was discussed that there would be no charge for the sticker. Colonel Harper advised that the Police Department would not enforce the ordinance at this time. City Manager Stewart stated it was an oversight and the Constitutional Officers have been invited to attend the weekly staff meeting but they have chosen not to attend. This ordinance has been discussed many times and he encouraged Mrs. Miller to attend these staff meeting. It was pointed out that Mrs. Miller does receive an agenda as well as each department head of the upcoming Council meetings.

Council Member Weaver said that an article in The Washington Post was very complimentary of Route 11 corridor but not the City of Harrisonburg. She said she knew the remarks were impartial but what can we do about it. Council Member Rogers said the Harrisonburg-Rockingham County Chamber of Commerce has invited the person to come back for a visit.

City Manager Stewart announced that the Council/Staff retreat is tentatively scheduled for January 13th from 8:30 a.m. to 4:00 p.m. More details will be available later.

At 9:36 p.m. Council Member Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission and Harrisonburg Electric Commission exempt from 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 a street, 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 agreement, and to probable litigation, 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 with a unanimous vote of Council Members present.

At 11:16 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 were convened were heard, discussed or considered in the executive session by the City Council.

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

Yvonne Ryan      Emily B. Dingleline  
CLERK                      VICE-MAYOR

## REGULAR MEETING

DECEMBER 12, 1995

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 on the consent agenda 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 7:33 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 25, Saturday, December 9, and Tuesday, December 12, 1995.

**The City of Harrisonburg Department of Public Transportation is in the process of updating its 1995 and 1996 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 12, 1995 at 7:30 p.m. The purpose of this 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 welcomed.**

Transportation Director Smith explained that as of April 1, 1995, the City Cab operation began under a private operator and no longer operated as a division of the Public Transportation Department. This change, as anticipated, allowed more consistency and emphasis on Paratransit service. He said the complaints have decreased considerably and customer service has greatly improved. Ridership has continued to increase. Mr. Smith said that the City of Harrisonburg is in full compliance with the Americans with Disabilities Act. There being no one present desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened.

Council Member Lantz wanted to know if Transportation Director Smith was satisfied with the transit service that Yellow Cab was providing. Mr. Smith replied that he had not received any complaints.

At 7:39 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, December 2 and Saturday, December 9, 1995.

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 12, 1995 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following amendment:**

**1) Amendment to Section 10-3-90 of the Harrisonburg City Code to include training facilities and vocational schools as a permitted use in an M-1 Industrial District.**

**Information is available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. 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 hearing.**

**Steven E. Stewart  
City Manager**

Planning and Community Development Director Turner introduced a request to amend Section 10-3-90 of the Harrisonburg City Code to include training facilities and vocational schools as a permitted use in an M-1 Industrial Zone. She said that when Massanutten Technical Center had requested a building permit for an addition to their facility, it was discovered that the present code does not permit training facilities and vocational schools in an M-1 Industrial District. After some research it was discovered that prior to 1987 it had been a permitted use in the B-2 and M-1 zones, but when the ordinance was changed in 1987 it was no longer allowed in the M-1 classification. The department also discovered other jurisdictions in Virginia include these types of training facilities and vocational schools as permitted uses in their industrial classifications. Mrs. Turner said that the Planning Commission held a public hearing in November and has recommended adding training facilities and vocational schools as a permitted use in the M-1 classification. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Weaver offered a motion for a first reading to add training facilities and vocational schools in an M-1 classification. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Dr. Willard Lutz, Public Health Dentist, presented a report on the dental clinic at the Rockingham-Harrisonburg Health Department. He explained that during the last year he has had 617 visits from children 18 and under from Harrisonburg and 980 visits from Rockingham County.

Another alarming figure is there has been a rise in periodontic treatment for school age children. Also, the department has received emergency requests for services from adults which takes time from treating the children. The basic program was established only for children and it is impossible for one dentist to treat everyone. He suggested the Free Clinic might be an alternative for the adults. Council will look at the overall program and possibly make some suggestions to address Dr. Lutz's concern at a later time.

Fire Chief Shifflett explained that although the application for First Night Celebration Fire Works permit is complete the department had some concerns about some of the devices listed for use, but after discussing these concerns with First Night organizers it has been resolved. Council Member Rogers offered a motion to approve the permit conceptually and to allow the Fire Department to approve the particular devices. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented a progress report from the rewrite committee. She said the committee has met three times. She said the first meeting that was held on November 6, was organizational in nature. The committee decided to focus on several things including special use permit concept into the current ordinance, the inclusion of an institutional classification or overlay district, inclusion of a classification to encourage the development of affordable single family housing, and redesigning signage regulations into a separate ordinance in which there would be a maximum allowable size for a single sign and possibly an interstate overlay. During the first meeting, it was emphasized that the creation of nonconforming uses should be kept to an absolute minimum. The committee discussed the sixty day time frame requested in Council's motion and the fact that not very many changes would be possible if the committee tried to adhere to that time frame. With this, as well as previous public comments in mind, the committee decided not to incorporate any landscaping provisions into the ordinance at this time. At the second meeting held on November 20, the drafting of a special use permit section was discussed. She said most of the meeting was devoted to reviewing the different zoning classifications that the City has and what special uses would be appropriate in each classification. The third meeting was held on December 11 and the committee reviewed a draft "R-5" residential zoning classification intended to encourage the development of affordable housing. After reviewing this draft the committee recommended that it be forwarded to the Home Builders Association for comments. The committee also reviewed a draft of an institutional overlay district which would include facilities such as EMU, RMH and VMRC and to forward the draft to those institutions for their comments. Mrs. Turner said in addition to the materials generated by staff and committee discussions the committee received some comprehensive suggestions from Mark Callahan, representing the Concerned Group for the Future and Quality of Life in Harrisonburg. On December 5, the committee received a model off premise outdoor advertising sign ordinance from Steve Blatt on behalf of his client, Outdoor East, L.P., as well as correspondence from Rachel Hollis discussing landscaping and screening. The committee has shared appropriate parts of the ordinance with people as requested which included sending information to Mark Callahan, Jay Litten and Roger Williams. At the next meeting it will be discussed forwarding information to the Chamber of Commerce. The committee has discussed its timetable for completion and has set February 14 as its goal for presentation of proposed amendments to the Planning Commission. Council Member Rogers expressed his appreciation to the committee for all the hard work.

Ken Huffman, a representative from Phibbs, Burkholder, Geisert & Huffman, presented the 1994-95 Comprehensive Annual Financial report. He mentioned that it was only last year that the City's 1993-94 Financial Statement had received an unqualified opinion for the first time. Again this year the City will receive an unqualified opinion. City Manager Stewart commented that the Finance Department has enjoyed working with the staff of Phibbs, Burkholder, Geisert & Huffman and expressed appreciation for their help in preparing the financial statement.

City Manager Stewart presented a request from Harrisonburg Electric Commission to consider amending Title 8 of the Harrisonburg City Code by adding Section 8-1-8.6 for a first reading. This amendment would allow HEC to supply fiber optic cable service. Mike York, General Manager of HEC, said that the firm of Hayes, Seay, Mattern & Mattern, Inc., had been hired to conduct a study to determine if the project is feasible. He said that at the present time there are 16 municipal electric systems in the State of Virginia of which three have fiber optic systems. There has been a trend across the United States for other municipal fiber optic systems to be created. Service to City offices including schools would net about \$100,000 a year which would be enough to pay the estimated annual operating costs of the new system. Mr. York said HEC's goal is not to make money but to break even right now. Eventually, HEC would seek commercial and industrial customers. Mr. York said it would take about a year and \$810,000 to build a fiber optic cable loop around the City and seven collectors where information could be accessed. The demand for access to the fiber optic cable network would determine the number of collectors installed and the initial capital construction investment. Following further discussion and comments, Council Member Rogers offered a motion to approve this amendment to Section 8 of the City Code for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote.

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 17-1-2 and Section 17-1-3 to the Harrisonburg City Code. Mr. Thumma explained that this ordinance will make appropriate changes in the Code to provide for the election of School Board members. He said presently the School Board consists of six members which are appointed for three year terms and two members are appointed every year. Based on the referendum held in November the ordinance will be amended to have an elected School Board. The School Board will remain the same consisting of six members of which three will be elected from the east and three from the west school districts. All the appointed members presently serving will continue to serve until their position is assumed by the person elected pursuant to Section 17-1-3 of the code. Each member at the time of the School Board election will have to be a qualified voter and a bona fide resident of the school district from which the member was elected and if the member shall cease to be a resident of such school district, the member's position would be deemed vacant. Under Section 17-1-3 members of the School Board will be elected at the same time as the municipal election of council members and once elected shall hold office for a term of four years from July 1 of the elected year. The first School Board election under this ordinance will be held the first Tuesday in May, 1996, providing that the ordinance is approved under the pre-clearance with the Department of Justice. The two members whose term will be expiring in June, 1996 will be eligible to run in the May election and there will be a drawing held by the Harrisonburg Board of Election to determine which member whose term will expire in 1997 will run in the May election. The remaining three candidates would be elected the first Tuesday in May, 1998. Every second year

there after there would be a school board election for the members whose terms would be expiring. At every election all registered voters in the City will be entitled to vote for the School Board members. A vacancy in the office of School Board member shall be filled pursuant to the sections in the Code of Virginia which allows the Circuit Court Judge to appoint a person to assume the position and then run at the next election. Mr. Thumma said after the second reading has been held he will prepare a submission to the Department of Justice to be approved under the Voting Rights Act. The Department of Justice will have 60 days to review this proposal. A special Council meeting needs to be scheduled for the second reading. Council Member Weaver offered a motion to approve this ordinance for a first reading and to schedule a special meeting on December 19th at 9:00 a.m. for a second reading. The motion was seconded by Council Member Rogers, and approved with unanimous recorded vote of Council.

City Manager Stewart presented a request to approve transferring funds from the Park View Sewer improvement capital project to the I & I project. This will allow the City to have enough money in the contract for material used for the Waterman Drive project. Council Member Rogers offered a motion for the transfer of funds to be approved, and that:

\$15,000 chge. to: 1322-911161-48642 Park View Sewer Improvement

\$15,000 approp. to: 1322-911161-48645 PHR&A I&I

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

City Manager Stewart presented a request for approval of a supplemental appropriation to establish a capital projects fund. He said this project has been in the CIP for several years and these funds in the amount of \$350,000 are being established in order to acquire right-of-way necessary for Neff Avenue Extended and to accommodate the water line that will service the new water storage tank. Vice-Mayor Dingledine offered a motion to approve this request for a first reading and that:

\$350,000 chge. to: 1000-31010 Amount from fund balance

\$350,000 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$350,000 chge. to: 1310-34210 Transfer from General Fund

\$350,000 approp. to: 1310-910141-48607 Neff Avenue Extended

The motion was seconded by Council Member Rogers, and approved with a four to one recorded vote of Council with one abstention by Council Member Lantz.

A citizen questioned the rationale of east-west ward voting and at-large voting of the elected School Board members at which City Attorney Thumma replied that is the way it is presently set-up. She also wanted to know if there was a break down of the registered voters per ward. City Attorney Thumma answered presently it is equal or approximately 50-50.

Council Member Weaver said that she had received several telephone calls from residents complaining about the new red-blue parking permit zones on Paul Street and Grattan Street. She said some of the residents decide to park at the top of the hill in bad weather which puts these residents in the wrong color zone. It was mentioned that is was at the request of the Old Town Neighborhood residents to change the parking zone from red to blue.

City Manager Stewart said that he had received a letter from Carol Kefalas representing the Rockingham Council of the Art mentioning that the art council is looking for a home. They have visited the basement of the Warren-Sipe House and have expressed some interest in that space. He suggested that no action be taken until he has some time to review the request.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, REGARDING THE REIMBURSEMENT OF EXPENSES AND COSTS  
INCURRED BY THE CITY OUT OF THE BOND PROCEEDS TO BE USED FOR  
THE IMPROVEMENT OF NEFF AVENUE EXTENDED, RESERVOIR STREET  
AND PLEASANT VALLEY ROAD**

**WHEREAS, the City is in the process of planning the improvement of Neff Avenue Extended, Reservoir Street and Pleasant Valley Road; and**

**WHEREAS, the improvement of Neff Avenue Extended, Reservoir Street and Pleasant Valley Road will require the City to issue general obligation bonds in an amount estimated to be around Seven Million Three Hundred Thousand Dollars (\$7,300,000.00); and**

**WHEREAS, the City intends to reimburse itself out of the bond proceeds for all expenditures and costs associated with Pleasant Valley Road, which are properly reimbursable under all State and Federal laws, and which are incurred and paid prior to the issuance of the bonds;**

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

**1. The City of Harrisonburg will be issuing general obligation bonds that are estimated to be in the amount of Seven Million Three Hundred Thousand Dollars (\$7,300,000.00) to pay for the improvement of Neff Avenue Extended, Reservoir Street and Pleasant Valley Road.**

**2. The City of Harrisonburg shall be reimbursed from the proceeds of the bonds for all costs and expenditures, which are properly reimbursable under State and Federal laws, incurred for the improvement to Neff Avenue Extended, Reservoir Street and Pleasant Valley Road. The City represents that it will pay certain expenditures out of general funds for the improvement to Neff Avenue Extended, Reservoir Street and Pleasant Valley Road prior to the issuance of the general obligation bonds. Therefore, it is hereby declared to be the intent**

to reimburse the City with a portion of the proceeds of the Bonds for expenditures related to Neff Avenue Extended, Reservoir Street and Pleasant Valley Road that were paid with general funds of the City and made no earlier than 60 days prior to the adoption of this resolution and on and after the date hereof.

Each of the expenditures was and shall be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the expenditure), (b) a cost of issuance with respect to the borrowing, or (c) a nonrecurring item that is not customarily payable from current revenues.

The City shall make a reimbursement allocation, in writing, to evidence the use of proceeds of the bonds to reimburse each of the expenditures, no later than 18 months after the later of the date of which each expenditure is paid or the streets are improved and/or placed in service or abandoned, but in no event more than 3 years after the date on which the expenditure is paid, all in accordance with the Code and Treasury Regulations hereunder.

3. These foregoing provisions are intended as a declaration of official intent by the City in compliance with the Treasury Regulations under the Code regarding proceeds of tax-exempt bonds used for reimbursement.

Approved: December 12, 1995

ATTEST:

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CLERK OF THE COUNCIL

City Manager Stewart said that this bond resolution provides for the reimbursement of expenses and costs incurred by the City out of the bond proceeds to be used for the improvement of Neff Avenue Extended, Reservoir Street and Pleasant Valley Road. It states that the City would be reimbursed for eligible costs incurred on this project from bond proceeds if bonds were issued by the City Council. Council Member Weaver offered a motion to accept this planning tool in considering any future bonds that Council might issue. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 9:08 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 Planning Commission and Harrisonburg Electric Commission exempt from 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 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 with a unanimous vote of Council.

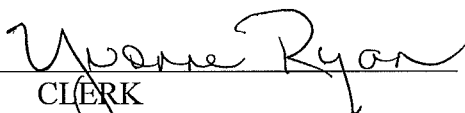
At 11:00 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from 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 were convened were heard, discussed or considered in the executive session by the City Council.

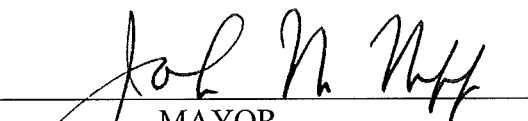
Council Member Weaver offered a motion that Todd Alexander, 271 Paul Street, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Rudy Propst, 970 Turkey Run Road, be appointed to fill the unexpired term of Paul Rexrode on the Harrisonburg Planning Commission to expire on December 31, 1998. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

Council Member Lantz offered a motion that G. Carl Wassum, 1169 Westmoreland Drive, be appointed as an honorary member on the Planning Commission to serve at the pleasure of city Council. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 11:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR

## SPECIAL MEETING

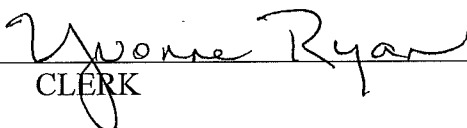
DECEMBER 19, 1995

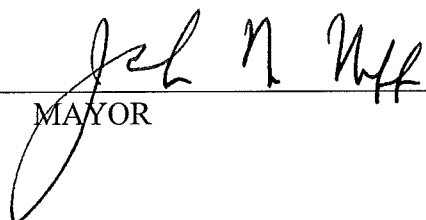
At a special meeting of Council held this morning at 9:00 a.m., there were present: Mayor John Neff; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Emily R. Dingleline; Council Members Hugh J. Lantz, Larry M. Rogers, Agnes Massie Weaver, and City Clerk Yvonne Bonnie Ryan.

Council Member Weaver offered a motion to approve the second reading of an ordinance amending and re-enacting Section 17-1-2 and 17-1-3 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 announced that the \$6,000,000 dollar bond regarding the steam plant project was sold on December 18th at an interest rate of 5.735 percent.

At 9:05 a.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR