

REGULAR MEETING

JANUARY 23, 1996

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.

Human Resource Director McBride introduced five new City employees: Daniel Gray, Public Utilities Department; Aaron Lewis, Police Department; Dawn Locke, Police Department; Gary Knight, Parks and Recreation Department; and Diana Scharf, Zoning Administrator.

Vice-Mayor Dingledine offered a motion to approve the consent agenda, including approval of the minutes of the December 12 and 19 City Council meetings, approval of the minutes of the October 12, 19 and 25 Public Hearing meetings on the re-write zoning, and dispensing with reading of the minutes. The motion included the second reading of ordinance amending Title 8 of the Harrisonburg City Code by adding Section 8-1-8.6, and ordinance enacting Section 10-3-90 (12) of the Harrisonburg City Code. The motion also included a second reading of an alley closing on Monticello Avenue, and a second reading of a supplemental appropriation to establish capital projects funds. In addition, the motion also included referring the rezoning requests of Tim Lacey and Rebecca Helbert to the Planning Commission, setting a public hearing on February 13 to consider a request to amend Section 10-3-16, Section 10-3-103, Section 10-3-105, and Section 10-3-90 of the Harrisonburg City Code and a rezoning request by Valley Wellness Center, Inc. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Joan Smith, General Manager of Warner Cable, presented a report on the cable's station accomplishments and services to the City. She said during 1994 and 1995 Warner Cable invested over \$1,550,000 in capital improvements, which included adding 15 miles of fiber optic cable to provide service to the southwest corner of the community, increasing plant reliability and picture quality, purchasing the very best in technical test equipment necessary to maintain cable lines and reduce the number of outages due to electronic equipment failure. Ms. Smith said Warner Cable is committed to providing the kinds of entertainment that the Harrisonburg customers want by adding more video and audio channels, the History channel, the Learning channel, and the Faith and Values

channel. In addition, the cable company offers high quality commercial free audio service called Music Choice which includes country, classical, and gospel music. She said Warner Cable offers "Cable in the Classroom" which provides free basic and standard service to the local public schools and low cost support material for teachers. Warner Cable participates in community activities by being a co-sponsor of First Night Harrisonburg, Bike Fest 1995, Summer Fest 1995, Rockingham County Fair, Fire, Police and Sheriff's Associations, and a major sponsor of the second annual African American Festival. Council Member Rogers expressed his thanks to Mrs. Smith for having an open-door policy to discuss problems with the customers. Mayor Neff requested information on how Harrisonburg compares to other jurisdictions or communities regarding rate structure. Mrs. Smith will send a letter containing this requested information to City Council members.

City Manager Stewart presented a request from JMU service fraternities to use City property for a benefit concert on April 12. These two honorary service organizations are requesting the grassy area behind the Community Development building for a benefit concert to raise money for Habitat for Humanity and the Harrisonburg High School Band. The Committee for Downtown's Executive Committee has endorsed the request. Michelle Vertrees, a representative from Kappa Kappa Psi, explained that her fraternity and Tau Beta Sigma have proposed sponsoring a benefit concert entitled Rockin' the Burg and that all proceeds from this event will benefit the JMU chapter of Habitat for Humanity and the Harrisonburg High School Band program. Advertisement for bands has been posted on the campus and at local high schools and there will be an audition process to include all types of music in the concert. Also, Habitat for Humanity will be involved in selecting sponsors, selling tickets and other ways of helping the concert. Council Member Rogers offered a motion to approve the use of City property for the benefit concert. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Ann Bender, Executive Director of the Valley Program for Aging Services, Inc., presented a report on the "fee-for-service" programs using state funds. She said during the past year VPAS spent \$292,000 providing services to the elderly. These services were provided at no charge or a small contribution was accepted. Governor Allen's administration has requested that VPAS implement a new program called "fee-for-service" with state funds for that purpose. VPAS is putting these new program funds into an effort called "Home Support". Persons eligible for this program will be charged an hourly fee, based on their income minus their medical expenses. Persons with adjusted incomes below the federal poverty level will not be charged a fee. The program is based on the sliding fee scale that is used by the state health department and other public service agencies. The total cost to the agency which includes case management, service coordination, and monitoring the program, is \$12.60 in which the person pays a percentage. She said the agency anticipates if Congress does approve the budget and appropriates funding for the Older American's Act, then the agency will be asked to take a more aggressive cost sharing program.

Chris Brown, Attorney for the Shenandoah Valley Regional Airport Commission, presented a proposed resolution authorizing incurrence of debt by the airport. He said the Shenandoah Valley

Regional Airport Commission wishes to incur approximately \$375,00 in debt for the construction of t-hangers at the airport. The need for these t-hangers is severe, and the Commission feels that the hangers will be fully leased upon the completion of construction. This debt will not obligate the City in anyway. Council Member Weaver offered a motion to approve the resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented an agreement with Harrisonburg Electric Commission for the cogeneration project. He said this agreement provides for the construction, operation and maintenance of the cogeneration project at the resource recovery facility. The agreement states that HEC will reimburse the City for all expenses relative to the cogeneration project. Some of the equipment at the facility will be shared between the cogeneration project and the steam and chilled water project for JMU. Council Member Weaver offered a motion to approve this agreement. The motion was seconded by Council Member Rogers, and approved with a four to zero recorded vote of Council with one abstention by Mayor Neff.

Planning and Community Development Director Turner introduced a request for final subdivision plat approval on Garbers Church Road, Lot 4, Block H, Sheet 123. Mrs. Turner said this is a request to subdivide a large tract into two parcels each of which will front on Garbers Church Road creating a 1.812 acre lot identified as Tract B on the survey and a residual parcel of 17.912 acres. All of the lots meet R-1 Single Family Residential requirements. She said the Planning Commission has recommended approval for this subdivision and the only reason this request could not go through the minor subdivision process was because the parent tract was larger than 5 acres in area. 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.

Planning and Community Development Director Turner presented Planning Commission's recommendation to close a portion of right-of-way described as Tracts 3 & 4, west side of Park Lawn Drive. She said this request is to consider closing two small tracts of land totaling 1,077 square feet. This property was dedicated to the City as part of the street right-of-way at the time that Park Lawn Subdivision, Section 2, received final approval. Basically this will align the two areas of the road and give back this part of the right-of-way to the property owners. She said the Planning Commission has recommended approval. Vice-Mayor Dingleline offered a motion to approve for a first reading this recommendation from Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Human Resource Director McBride presented a request to modify Sections 5.4, 5.5 and 5.10 of the Personnel Policy Manual. He said this modification is recommended to clarify the policy related to earning employee benefits while an employee is on leave without pay or disciplinary suspension. The revised policy states that an employee who is on leave without pay or disciplinary suspension for more than 15 calendar days in a month shall not earn vacation or sick leave for that month and shall be responsible for paying both the employee and employer share of the health insurance premium. Council Member Weaver offered a motion to approve the modification to Sections 5.4, 5.5 and 5.10 of the Personnel Policy Manual. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented an request for a second reading to close and vacate the east half of an approximately 180 foot long alley at the end of and perpendicular to Patterson Street. He said this closing was just a little different from most alley closings because it would only be vacating half of the alley. JMU is paying for closing the east half of the alley and the railroad has indicated they wish to purchase the west half of the alley, but their system works very slowly. Since some of the foundation of the new maintenance facility at JMU is partially in the alley, the east half needs to be vacated in order for the construction to continue. Also, JMU officials have indicated that if for any reason the railroad does not purchase the west half of the alley they will purchase it. Vice-Mayor Dingleline offered a motion to close and vacate the east half of the alley. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request to transfer budgeted funds. He said these transferred funds will be used for budget shortages and to purchase computer software. Council Member Weaver offered a motion for the transfer of these funds to be approved, and that:

\$26,987 chge. to: 1000-940111-49310 Reserve for Contingencies

\$10,332 approp. to: 1000-120811-43130 Management consultation

7,000 approp. to: 1000-122011-43320 Service contracts

9,655 approp. to: 1000-122011-48173 Software

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

City Manager Stewart explained that although Harrisonburg, Augusta and Rockingham Counties are members of the Blue Ridge Disability Services Board the City of Staunton is not. The City of Staunton has asked to join this group and in order to accomplish this Council will need to approve a new joint powers agreement. Vice-Mayor Dingleline offered a motion to approve this agreement allowing Staunton to join the Blue Ridge Disability Services Board. 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 appropriations for grant funds to the Police Department. He said the Police Department budget will be increased with this grant money. Council Member Rogers offered a motion to approve this request for a first reading and that:

\$25,000 chge. to: 1000-33523 Incident Report System Grant

\$25,000 approp. to: 1000-310131-48111 Machinery & Equipment

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

Vice-Mayor Dingledine stated that she had received a letter from Greener Harrisonburg regarding the \$1,000 that had been allocated for the organization in the budget. City Manager Stewart commented that it was his understanding that Greener Harrisonburg had made arrangements with the City to receive water for plants and trees and that the charge for water would be deducted from the \$1,000. But, apparently there was some confusion during a personnel change and the water was not requested nor used but the City was not notified by Greener Harrisonburg. He said he had started the process for Greener Harrisonburg to receive the \$1,000.

Council Member Lantz expressed his thanks to the City employees of the Public Works Department for the snow removal. He said after traveling to the Charlottesville and Richmond area one week after the blizzard it really gave him a deep appreciation for the job that the City crews had done in removing the snow.

Director of Public Works Baker presented a report concerning the snow removal from the blizzard of 1996. The report stated that the department spent \$239,503.81 which included tons of salt and salt-treated abrasives, parts and supplies, equipment repairs, rental of contractor's equipment and services, lodging, meals and overtime for employees. Mr. Baker said the snow removal costs are not complete but the City's cost of battling the snow and ice was driven up by major equipment breakdowns that forced the City to contract out for help and that some of the equipment will need to be replaced. Mr. Baker emphasized that during the snow removal operation it was a City wide effort and expressed his thanks to the other departments in the City for their help. In addition, he reiterated the City's Primary Snow and Ice Route System which was designed for the safety of the traveling public. The priority of the Primary Route System is set up first and foremost to keep the main streets open to access the route to the hospital for emergency vehicles. The balance of the Primary Route System is designed so that no matter where someone lives in the City travel should only be one or two blocks to reach a street that has been treated or plowed.

Council Member Weaver mentioned that she had received some telephone calls concerning the snow but that the compliments outnumbered the complaints. She said the Public Works Department did a tremendous job and she was surprised trash pick-up was provided so quickly.

City Manager Stewart reminded everyone of the re-scheduled Council/Staff retreat on February 10, 1996 at Rockingham Memorial Hospital Cancer Center in Conference Room G-2 from 8:30 a.m. to 4:00 p.m..

At 8:35 p.m. Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Electric Commission, Executive Committee of Central Shenandoah Planning District Commission, Blue Ridge Disability Services Board and Rockingham Extension Leadership

Council 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 one (1) existing 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 with a unanimous vote of Council.

At 9:40 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 Gary Buennemeyer, 471 Andergren Drive, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

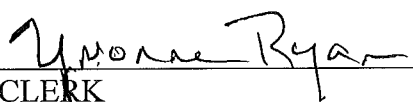
Vice-Mayor Dingleline offered a motion that Larry Rogers, 127 New York Avenue, be appointed to a first term on the Rockingham County Extension Leadership Council to expire on January 1, 1998. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

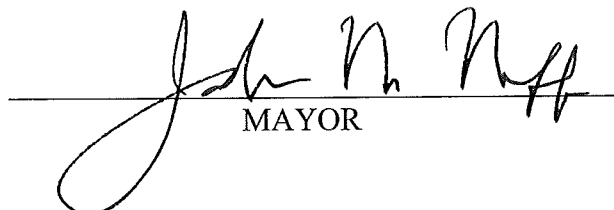
Council Member Rogers offered a motion that Agnes Massie Weaver, 247 Campbell Street, be appointed to a term on the Central Shenandoah Planning District Commission's Executive Committee to expire on June 30, 1998. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of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

Vice-Mayor Dingleline offered a motion that Russell Smith, Jr., 1548 Hawthorn Circle, be appointed to a second term on the Blue Ridge Disability Services Board to expire on February 1, 1999. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that Council Member Larry Rogers be appointed to the City/County Liaison Committee since Mayor John Neff resigned. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING

FEBRUARY 13, 1996

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

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

Council Member Weaver offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for the Police Department. The motion also included a second reading of an alley closing on the west half of Patterson Street, and a second reading to close a portion of a right-of-way on the west side of Park Lawn Drive. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ At 7:37 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 29, and Monday, February 5, 1996.

The Harrisonburg City Council will hold a public hearing on Tuesday, February 13, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider:

1) Request by T. Carter Melton, Jr., President of Valley Wellness Center, Inc., to rezone two parcels totaling 31.465 acres and described as Tax Map Parcel 5-(F)-1 and 2, located on the southwest side of Stone Spring Road. The rezoning request seeks to change the zoning classification from M-1 General Industrial District to B-2 (Conditional) General Business 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 B-2 district is intended for a wide variety of retail shopping, commercial, automotive, and recreational activities which are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, odor, and noise associated with manufacturing. The subject property is identified for industrial use in the 1991 Comprehensive Plan.

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

All persons interested will have an opportunity to express their views at 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 introduced a request by Valley Wellness Center, Inc., to rezone two parcels. She said when the center had requested rezoning approximately 31 ½ acres from M-1 General Industrial District to Conditional B-2 General Business District it was discovered that uses such as Valley Wellness Center were not permitted in the B-2 classification. Because VWC has future development plans for the property and since it was non-conforming it was decided to apply for the rezoning. The following condition has been proffered by the applicant as part of the rezoning request:

Mercantile establishments which promote the show, sale and rental of goods personal service establishments, restaurants, and other shops and stores customary to shopping centers and convenience outlets, except for those which are accessory or incidental to, or supportive of, uses otherwise allowable on this property. Theaters or other places of assembly for the purposes of entertainment.

It is designated in the comprehensive plan as being appropriate for future light industrial land use, however, the current zoning does not have a light industrial category nor has one been proposed in the most recent revisions. She said the property is located in the middle of a large M-1 district with adjacent properties classified as industrial use including the City shops, and the water and sewer operation center. There were some questions concerning whether this property should be rezoned because it did not comply to the letter of the comprehensive plan's recommendation for light industrial use but the plan did encourage business and industrial uses within the whole planning sector so the Planning Commission did recommend approval. Mayor Neff called on anyone present desiring to speak either for or against this request.

Roger Williams, attorney for Valley Wellness Center, said that the center is an affiliated corporation with Rockingham Memorial Hospital but a separate non-profit corporation incorporated in the early 1980's. When the land was acquired it was zoned M-1 Industrial allowing B-2 uses which included facilities like the center, but when the present zoning ordinance went into effect in 1987 the B-2 uses were dropped out of the industrial district. Mr. Williams noted that there are really three projects, two of the projects are short term, one of them immediate and the third a long term project. The immediate short term project is the conversion of the existing Wellness Center facility for certain essential purposes to serve RMH. The second short term project includes constructing an entire new wellness facility, located further east on this same property that would cost approximately 5 million dollars.. The third long term proposed project is the development of a sub-campus of RMH on the

balance of the property. Mr. Williams pointed out that the property is uniquely positioned for the perfect buffer between the Industrial and Residential Districts.

Larry Jolly, Senior Vice-President for Rockingham Memorial Hospital, said that Valley Wellness Center has existed for 11 years. The center is the integration between the hospital and the Wellness center and it's medically related orientation. This is a facility designed to help improve the health of the citizens of this community. He noted that the center has 1,950 members and accommodates about 155,000 visits each year. The new facility will have a new rehabilitation service, relocated sports medicine institute, and improved strength and endurance programs for activities in the pool. In addition, there will be opportunities for future growth at the facility. There being no others desiring to be heard, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened. Following further comments, Vice-Mayor Dingleline offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Weaver, and approved with a four to zero recorded vote of Council with one abstention by Mayor Neff.

At 7:58 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 29, and Monday, February 5, 1996.

The Harrisonburg City Council will hold a public hearing on Tuesday, February 13, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider:

2) Request by Ray Nicely of Copper, Mars, Nicely and Associates to amend Section 10-3-90 of the Harrisonburg City Code to include public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations.

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

All persons interested will have an opportunity to express their views at 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 a request to amend Section 10-3-90 of the Harrisonburg City Code. She explained that GTE had made this request to add a permanent use to the M-1 General Industrial Zoning classification. GTE wants to construct a remote telecommunications switching facility on land that is currently zoned M-1, however, the current M-1 classification does not permit this use. This amendment would essentially add public

utilities, public service or public transportation uses or buildings generating purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations as a permitted use in the M-1 Industrial classification. She said Planning Commission has recommending approving this zoning amendment for a first reading. Mayor Neff called on anyone present desiring to speak either for or against this request.

Ray Nicely representing GTE said that the company wanted to install a remote telecommunications switching device on Mt. Clinton Pike near the Liberty Street intersection. The purpose of this operation is to give GTE a remote high-tech facility and provide them with the fiber optic capabilities that they need to provide better serve for their customers. GTE is requesting this amendment change now rather than waiting for the major revision to the ordinance because of their budget and fiscal year. There being no others desiring to speak the public hearing was closed at 8:01 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve Planning Commission's recommendation for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 8:02 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 New-Record on Monday, January 29, and Monday, February 5, 1996.

The Harrisonburg City Council will hold a public hearing on Tuesday, February 13, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:

3) Amendment to Section 10-3-16, 10-3-103, 10-3-105 of the Harrisonburg City Code pertaining to Conditions for Site Plan Review and Initiation of Changes and Procedures for rezoning requests.

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

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

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

**Steven E. Stewart
City Manager**

Planning and Community Development Director Turner presented a request to amend Section 10-3-16, Section 10-3-103 and Section 10-3-105 of the Harrisonburg City Code. Mrs. Turner explained that all three of these amendments would speed-up the rezoning request process. This change would basically eliminate some time between when City Council receives the rezoning request, refers the rezoning request to Planning Commission and then City Council establishes a public hearing date. Also, the proposed petition would be filed in the office of the Department of

Planning and Community development rather than the City Manager's office. If these changes are adopted the steps of referring the rezoning request to the Planning Commission, Planning Commission's recommendation to City Council, and scheduling the public hearing for the following month should eliminate two to three weeks in the rezoning request procedure. In addition, Planning Commission suggested that once it has a recommendation that Staff be allowed to schedule the first available date for a public hearing for City Council. Mrs. Turner added that the Planning Commission has recommended these changes in the rezoning ordinances. Mayor Neff called on anyone present desiring to speak either for or against this request. There being no one desiring to speak the public hearing was closed at 8:06 p.m., and the regular session reconvened. Vice-Mayor Dingleline offered a motion to approve Planning Commission's recommendation for a first reading as presented and for Staff to schedule the public hearing date. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Assistant City Manager Baker presented an updated report on the Boys and Girls Club. He said the committee has met several times with representatives from the Boys and Girls Club and have selected July 1, 1996, as the target date for converting the Your Place After School program to Harrisonburg's chapter of the Boys and Girls Club. The club will serve youth between the ages of 5 and 18 and has an agreement to use the former Simms School for the activities. Council Member Rogers expressed his appreciation to Assistant City Manager Baker and City Manager Stewart for their leadership and help in organizing the Boys and Girls Club.

City Manager Stewart presented a recommendation from the Zoning Ordinance Revision Committee to schedule a joint public hearing to consider amendments to the zoning ordinance. Council Member Rogers offered a motion to schedule a joint public hearing subject to concurrence by Planning Commission on March 19, at 7:00 p.m. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a resolution that would authorize Assistant City Manager Baker to serve as Council's agent in obtaining FEMA funds for the blizzard of 96 and the January flood. He said Staff is recommending Mr. Baker as he has been through the process before in obtaining FEMA funds. Vice-Mayor Dingleline offered a motion to approve the resolution as presented designating Assistant City Manager Baker as Council's agent. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Attorney Thumma presented an ordinance to repeal an ordinance allowing CFW Network, Inc. to install communication lines and equipment for a first reading. Mr. Thumma

explained that the City's telephone franchise will expire this year. In 1994 an ordinance gave CFW Communications a revocable license to use public right-of-way for stringing fiber optics cable at no cost. The present existing franchise ordinance has a requirement that the telecommunication franchise pay the City a monthly fee for using the rights-of-way. In order to place all competitors for the telecommunications franchise in an equal position and to foster competition in the bidding for the franchise it was recommended that this ordinance be repealed.

Henry Clark, attorney for CFW, said the company did not have any problem with the termination of the ordinance, but he was concerned about the impact of the new federal laws and the City's

franchise bid process on CFW's installations. He said he thought there has been some misunderstanding regarding the action of CFW and the action under the existing ordinance and requested that CFW and GTE and any other parties interested in the telecommunication for the City be given an opportunity to discuss this matter with Council and City Staff. He said he did not understand all the language in the new federal laws governing telecommunications.

Bill Hanchey, Regional Manager for Regulatory and Tariffs for GTE, said that the present franchise is a non-exclusionary franchise. GTE's vision of the market place will have multi-competitors and franchises. He said multi-franchise can exist so that someone is not left with stranded investments. Following further discussion and comments, Council Member Rogers offered a motion to repeal the ordinance allowing CFW Network, Inc. to install communication lines and equipment for a first reading. The motion was seconded by Council Member Weaver, and approved with a four to zero recorded vote of Council with one abstention by Mayor Neff.

City Manager Stewart reminded everyone of the public input meeting at Thomas Harrison Middle School at 7:00 p.m. on February 15 concerning the proposed Historic District for downtown.

At 8:36 p.m. Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to make a recommendation to the Circuit Court for an appointment to the Board of Zoning Appeals, and the evaluation of a City department, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

At 9:25 p.m., the executive session was declared closed and the regular session reconvened. The following statement was read and 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 9:26 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

John H. Neff
MAYOR

REGULAR MEETING

FEBRUARY 27, 1996

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 two new City employees: Shane Brown, Police Department; and Aaron Lewis, Police Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of ordinance amending and re-enacting Section 10-3-105(a) & (b), Section 10-3-103, Section 10-3-16(a), and Section 10-3-90(13) of the Harrisonburg City Code. The motion also included setting a public hearing on March 12 to consider the rezoning request by Timothy J. Lacey and Rebecca B. Helbert. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Tony Coogan, Director of Shenandoah Rail Initiative, presented a project of the Shenandoah Rail Initiative. He said the group would be requesting an endorsement and in-kind contribution for their Intermodal Surface Transportation Efficiency Act (ISTEA) grant application. One of the group's project is an effort to tie together a lot of the resources that the valley has already committed to working on with ISTEA legislation. The prime issue for Harrisonburg is the visitors center, the railroad and agriculture heritage museum and the possibility of loading and unloading passengers at the museum. The mission of the group hopefully will bring a new and fresh focus to regional intermodal transportation by working to identify historical and natural resources, major battlefields, Civil War sites, support their protection and enhance their tourism development potential. The group intends to preserve the existing historical trail and network in the Shenandoah Valley and adjoining regions. Mr. Coogan requested an endorsement for the concept of the project and suggested that an in-kind service should be considered at a later date. Council Member Rogers offered a motion to endorse the concept as presented and suggested referring the in-kind service to the City Manager for further consideration. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

✓ Bob Satterwhite, Planner, presented the Shenandoah Valley Private Industry Council Annual Plan report. Mr. Satterwhite said that each year the plan is presented for administering Federally funded Job Training Partnership Act programs in the Shenandoah Valley. He said that last year 151 City residents were enrolled in the programs of which 117 completed the training resulting in

placing 105 residents in unsubsidized employment. There will be no Summer Youth Program for 1996 unless Congress decides to fund it at the last moment. Council Member Weaver offered a motion to approve the 1996-97 annual summary plan as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart explained that after a successful Fundfest concert series in 1995, the John D. Eiland Company has again requested sponsoring the Fundfest concert series. The concert series will be held on alternating Wednesday evenings and will again provide fund raising opportunities for a number of local charities. Mr. Stewart said the company is aware of the insurance requirements. Vice-Mayor Dingledine offered a motion to approve the concert series. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Ben Fordney, President of Friends of Hillandale Park, appeared before Council to state that the group did not oppose the concept of soccer fields at Hillandale Park, but did have some concern about the impact of lights, concessions stands, parking lots, and potential access roads associated with soccer fields in the park. He said the group recognized that soccer was growing in popularity in Harrisonburg and that additional soccer fields would be needed, but the group requested that City Council consider other sites in addition to Hillandale Park. The installation of lights would permanently alter the natural wildlife habitat and would have an impact on the neighborhood surrounding the park. He suggested that before any plans were made for the park that Council move with caution and discuss any plans for the park with neighboring residents and others who are concerned with the future of the park.

Dave Hanson said if soccer fields are developed in Hillandale Park it should be done to protect the natural environment of the park keeping the essential development to a minimal. He said it also makes sound budgetary sense to develop other sites around the City. Soccer play at night would tend to aggravate security problems at the park. Schools, parks and recreations, and maintenance should work together to ensure the most economical and beneficial outcome for all City residents.

Cecil Gilkerson said he was in favor of soccer, but questioned how many City students would be playing soccer. He said the City parks were built for athletic and recreational use and for the enjoyment of the neighborhoods. He urged Council not to take the heart out of Hillandale Park by building soccer fields in it.

City Manager Stewart presented an endorsement of Boys Club/Girls Club by the Parks and Recreation Commission. Mr. Stewart explained that the resolution from the Parks and Recreation Commission supported City Council's adoption of a plan combining Your Place After School and Simms Recreation Center programs into a Boys Club/Girls Club effective July 1, 1996. Council Member Rogers offered a motion to approve this resolution as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart said that although the Staff was currently acquiring right-of-way for Neff Avenue Extended, finalizing cost estimates and establishing a construction schedule it needed some direction concerning several major road improvements that are in the City's current Capital Improvement Program. These projects include the Peach Grove/Neff Avenue Extended project, the Reservoir Street project, and improvements to Pleasant Valley Road. The Department of Community Development has produced a schedule for the construction of Peach Grove/Neff Avenue

Extended and widening Reservoir Street. It does not include the Pleasant Valley project but it could easily fit into the schedule. Mr. Stewart said that Staff needs direction from Council on how to proceed with the financing of these projects. Council had previously authorized funds from undesignated fund balance to acquire right-of-way for the Neff Avenue Extended project with the understanding if these improvements were financed then the City would be reimbursed. Following further discussion and comments, Council unanimously endorsed the projects being funded with bond financing and directed City Manager Stewart and his Staff to begin the paperwork on financing these projects.

✓ Planning and Community Development Director Turner introduced a request for Final Subdivision Plat approval, Green Springs Subdivision, Section One. She said the area is currently zoned R-1 Single Family classification. However, the Planning Commission did have some concerns about the number of lots fronting onto Ramblewood Road. At the time of preliminary subdivision it was explained that these lots would be reviewed prior to any final subdivision plat for site distance. Mrs. Turner said during the course of site plan review processes which are still underway it appears that adequate site distance can be achieved for each of the 16 lots to have entrances onto Ramblewood Road. All lots are in compliance with the current zoning regulations and Planning Commission has recommended approval. Council Member Weaver offered a motion to approve the request as presented. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

Mayor Neff announced that the lease agreement between the City of Harrisonburg, Rockingham County and the Virginia State Department of Health would be delayed until the next meeting until word is received from the state regarding the lease agreement.

✓ Council Member Lantz offered a motion to table the ordinance which would repeal the ordinance allowing CFW Networks, Inc., to install communication lines and equipment for a second reading until the next meeting. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

✓ City Attorney Thumma presented for Council's consideration a proposed telecommunication franchise ordinance. He said the purpose of this franchise is to allow companies who provide telecommunication services to the citizens of the City to use the City's public right-of-way to install their lines and facilities. He noted that the franchise or franchises that the City will be awarding are non-exclusive. Mr. Thumma said it should be determined how to define telecommunication services and what services are being placed for bids. The current franchise that GTE operates under was granted 30 years ago. Since there has been a lot of changes in telecommunication there is some concern if the franchise fee is fair and whether the fees are reasonable for acquiring the right-of-way. Before finalizing a draft for Council consideration it would be helpful to have written comments from the users and input and comments from Staff. He said he hoped to have a proposed franchise ordinance within the next 30 days and after advertising which could be an additional 30 days to have a public bid opening at a City Council meeting announcing the ordinance and/or ordinances awarded for the franchises.

City Manager Stewart presented a delinquent utility list from the Utility Billing Department requesting authorization to write off the list of delinquent accounts. The letter stated that none of the accounts listed currently have service with the City of Harrisonburg. The amount to be written off is \$6,736.21 which is .1% of the projected sales. Council Member Lantz offered a motion to write off the list of delinquent accounts. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Barry Hensley suggested that Council members look at the condition of the Lineweaver and Strate properties following the flood and melting of snow for the winter of 1996. He said the park is in horrible condition. The bridges in the new part of the park are washed out and the trails are gone. The gravel and cinders have washed down into the fields. He said since he has a lot of property adjoining the park he would like to discuss some of the plans for the park with the City. He suggested that if Council had money to spend on the park then it should be used for upgrading what was intended to be there before it creates a major problem.

Tim Lacey said he was the owner and developer of Park Lawn Subdivision. He said Parklawn has a master plan for 115 lots of which 27 adjoin Hillandale Park. He said he has met with staff on several occasions looking at the possibility of rezoning to R-2 and building some duplexes. He was informed that the area around the park would only be zoned R-1. He suggested other sites for soccer fields such as Spotswood Elementary School which already has the roads, lighted tennis courts, and lighted facilities along the commercial establishment. Once Parklawn is completely built it will add to the City's real estate tax base of approximately 11 to 12 million dollars. He requested that the present proposed use be reevaluated and another more compatible use be considered.

City Manager Stewart reminded everyone that a proposed recommendation from the Parks and Recreation Commission concerning proposed soccer field sites had not been finalized and he did not understand where some of the citizens who had spoken received their information. He said that Parks and Recreation Director Logan was working on a RFP for a master plan that would look at some potential soccer field sites. He said before any commitment was made that the plan would be presented to City Council for their review. Mr. Stewart said that it was his and Parks and Recreation Director Logan interpretation of the direction given at the retreat that a master plan be developed for the Lineweaver property to include the feasibility of locating between four to six soccer fields. Mayor Neff commented that an assessment needed to be made based on the needs for soccer fields which would include all the City resources available. Following further discussion and comments, City Council recommended that a master plan be developed for recreational uses of the City to include a needs assessment, which should include soccer fields, but not specifically selecting a particular park for these soccer fields, and that the study should include who and how many people will be using the facilities.

Don Shank, Vice-President of the Harrisonburg Soccer Association, commented that the development of soccer fields was important, but that the fields did not have to be built at Hillandale Park.

City Manager Stewart reminded everyone that a budget work session with the School Board will be held on February, 28 at 7:00 p.m. at the high school.

City Attorney Thumma announced that he had received a letter from the Department of Justice approving the City's plan on electing School Board members.

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 make a recommendation to the Circuit Court for an appointment to the Board of Zoning Appeals, and appointment to the Industrial Development Authority, 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 two (2) proposed contracts, an existing license agreement, a proposed franchise agreement and probable litigation requiring the provision of legal advice by the City Attorney, exempt from the 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.

At 10:55 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public 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 Dingleline offered a motion that Michael Beahm, 139 The Tee, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2000. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Vice-Mayor Dingleline offered a motion that John Rouse, 1255 Upland Drive, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2000. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion that A. Mike Collins be appointed as an alternate on the Harrisonburg-Rockingham Regional Sewer Authority. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

✓ Council Member Weaver offered a motion that Thomas Edgar (Ed) Sipe, 1360 Sparrow Court, be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2001. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:57 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

MARCH 12, 1996

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 the Boy Scout Troop #61 from Muhlenberg Lutheran Church led everyone in the Pledge of Allegiance.

Council Member Rogers 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 Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Timothy J. Lacey to rezone approximately 21 acres from R-1 Single Family Residential District to R-3 (Conditional) Multiple Dwelling Residential District. She said several proffers were attached to the rezoning which included 10 units per acre maximum density, a four-unit building maximum size, and in addition, a maximum of four entrances onto West Market Street from the site with one street intersection lining up directly across from the middle school. There is also a proffer to provide an access easement along the rear of the property line allowing access to the proposed street. This property is currently a portion of the Liskey Farm and the 21 acre site is used as farm land containing a dwelling and a barn. She said the Comprehensive Plan's recommendation for this site is a planned medium density classification so as such this rezoning request fell within the density limits envisioned by the plan and would be in conformance with the plan. She said when the Planning Commission held its public hearing it was discussed at length the concerns of Staff regarding the entrances and accesses along the street and the future traffic impact on West Market Street. But, since Mr. Lacey had proffered the four entrances and public street access onto West Market Street the Planning Commission did recommend approval.

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 Monday, February 26, 1996 and Monday, March 4, 1996.

The Harrisonburg City Council will hold a public hearing on Tuesday, March 12, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider:

2) Request by Timothy Lacey to rezone approximately 21 acres, located on the north side of West Market Street, and described as Tax Map Parcel 37-(C)-1, from R-1

Single-Family Residential District to R-3 (Conditional) Multiple Dwelling Residential District.

The R-1 Single-Family Residential District is intended for low density, relatively spacious, single-family development and for areas where such development is likely to occur in the future. The R-3 Multiple Dwelling Residential District is intended for medium-to-high density residential development and other uses intended to respect the residential character of the district.

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

All persons interested will have an opportunity to express their views at 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**

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

Tim Lacey stated that this plan started with his desire to build an affordable subdivision within the City of Harrisonburg. Some of the considerations that were given to the plan before the drawings were started were the Comprehensive Plan, existing neighborhood conditions, and also site conditions. At the present he said he was developing Parklawn Subdivision on the south end of West Market Street with housing starting in the \$95,000 range and up. Some of the housing options offered in the Comprehensive Plan are to provide affordable housing for all citizens. Factors that should be considered are street width, lot sizes, set-back requirements and use of special exceptions. Mr. Lacey read from an article found in "Builders Magazine" (November 1995). "Home ownership is the cornerstone of family security, stability and prosperity. It strengthens our social fabric, encourages civic responsibility and provides a foundation from which Americans can work to support their families, enhance their communities, and achieve their personal goals. Safe, decent and comfortable housing in general home ownership are positive influences in children's lives. Children of homeowners stay in school longer and are more likely to become productive citizens. The article goes on to state "Housing's economic reach extends beyond the new home construction. The first year after buying a newly built home owners spend an average of \$6,500 to furnish, decorate and improve it." In addressing some of the staff concerns, Mr. Lacey, said the four proposed entrances for eight lots would allow a shared entrance situation for these lots. This would make these entrances about 200 feet apart and would provide a better situation than what would currently exist at 80 feet apart. The plan follows the Comprehensive Plan in two areas affordable housing and land use.

Mike Liskey representing the Liskey Farm property owners urged the City Council to approve the rezoning request. He said there is a definite need for medium priced housing in the City. Mr. Liskey stated that one goal of the landowners in selling their land was to have a well planned community that is an attractive asset to the City. He did suggest that the speed limit should be very minimal since it would be in a school zone. 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 complimented Mr. Lacey for developing affordable subdivisions for the citizens of Harrisonburg. Mayor Neff mentioned that the four entrances into the planned development were discussed at the Planning Commission meeting and that Planning Commission felt like this was a good alternative for the development. Following further comments, Council Member Weaver offered a motion to approve this rezoning 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 request to rezone 2.01 acres located at the end of Pear Street from R-2 Residential District to R-3 Multiple Dwelling Residential District. The applicant has proposed that this property be developed into one or two bedroom apartments or a combination of the two. The surrounding land has a variety of different zoning classifications. This site is shown in the Comprehensive Plan as being appropriate for a medium density residential use classification which does fall within the R-3 zoning. She said this area of Pear Street is relatively unimproved and any site plan development would require some standard VDOT type entrances, and land dedicated for right-of way in order for these planned apartments to access Pear Street. The proposed re-zoning is in conformance with the Comprehensive Plan so the Planning Commission has recommended approval.

✓ 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 Monday, February 26, 1996 and Monday, March 4, 1996.

The Harrisonburg City Council will hold a public hearing on Tuesday, March 12, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider:

1) Request by Rebecca B. Helbert (Individual), and as Guardian for Paul F. Bowman, to rezone approximately 2.01 acres, described as Tax Map parcel 9-(E)-1, from R-2 Residential District to R-3 Multiple Dwelling Residential District. The property is located on the eastern side of Pear Street at its northern end, near the intersection with South High Street.

The R-2 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 subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. The R-3 district is intended for medium-to-high density residential development and other uses intended to respect the residential character. Residential development includes single-family, duplex, multiple dwelling, and townhouse units. Nonresidential development may include institutional buildings such as colleges, universities, hospitals, medical and professional offices, nursing homes, and charitable institutions. All nonresidential uses are subject to restrictions and requirements necessary to ensure compatibility with residential surroundings.

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

All persons interested will have an opportunity to express their views at 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**

Mayor Neff called on anyone desiring to speak either for or against this request. Jack Ridder, a representative of Hess and Miller Real Estate, and speaking on behalf of Rebecca Helbert and Paul Bowman encouraged Council to pass the rezoning request. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Council Member Weaver offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart explained that JMU has requested establishing a bird sanctuary at the JMU Arboretum. He said that he had asked the City Attorney to research this request for some information on developing or designating a bird sanctuary. He also noted that Mr. George "Cricket" Barlow of the Rockingham Bird Club had provided a copy of an ordinance that Charlottesville has designating a bird sanctuary. City Attorney Thumma stated that he could not find any law that has been enacted concerning bird sanctuaries, but there is a state noxious bird statute that relates to noxious birds including blackbirds, starlings, redwing blackbirds, and pigeons. Mr. Thumma suggested if the entire City was included in a bird sanctuary that a reference should be made in the code exempting those birds. Norlyn Bodkin who is the Director of JMU's Arboretum explained that about 10 years ago he had tried to establish a bird sanctuary and had experienced the same problem of trying to find some guidelines for a bird sanctuary. But, in 1985 JMU did establish an arboretum on 125 acres of a very nice wooded area close to the university. The arboretum supports and works with the bird club conducting bird walks and identification. The arboretum tries to provide a habitat for desirable birds. He said he has requested assistance from the Rockingham Bird Club to help establish JMU Arboretum as a bird sanctuary. George "Cricket" Barlow of the Rockingham Bird Club said he did not think that the designation afforded any more protection for birds than already exists. Council Member Weaver and Council Member Lantz made a recommendation that the City Manager and City Attorney draw up a proposed ordinance for Council's consideration.

City Attorney Thumma presented an amended ordinance allowing CFW Network, Inc., to install communication lines and equipment for a second reading. He said this would repeal the ordinance dated May 24, 1994 and replace it with an ordinance that would allow CFW to continue to operate its fiber optic system within the City. In addition, it would allow CFW to install the remaining lines applied for in the permits that it has pending. However, no additional permits can be requested by CFW for a period of six months. CFW will pay a monthly license fee for the use of the City's right-of way. Within the six month period the City will advertise a franchise ordinance and place it out for bids. If CFW is granted a franchise then this ordinance will merge into that

ordinance. If CFW is not granted a franchise then they will be allowed to continue to operate their system as it is presently operated today. Council Member Lantz offered a motion to approve this ordinance for a second reading as amended and presented. The motion was seconded by Vice-Mayor Dingleline, and approved with a four to zero recorded vote of Council with one abstention by Mayor Neff.

✓ Vice-Mayor Dingleline offered a motion granting Virginia Poultry Federation's request to display across South Main Street within the Central Business District, a banner from May 6, 1996 to May 20, 1996. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request to transfer budgeted funds. He said these transferred funds from reserve for contingencies to Highway and Street Maintenance would allow the City to complete a flood plain channelization letter agreement requirement from 1992 with FC-General Partnership for the Port Republic Business Park. Council Member Weaver offered a motion for the transfer of these funds to be approved, and that:

\$26,000 chge. to: 1000-940111-49310 Reserve for Contingencies

\$26,000 approp. to: 1000-410241-48224 Flood Plain Channelization

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

✓ City Manager Stewart presented a request for approval of a supplemental appropriation to transfer money from fund balance to the Parking Authority for a engineering study to evaluate certain sites for downtown parking. Council Member Weaver offered a motion to approve this request for a first reading and that:

\$10,000 chge. to: 2015-31010 Amount from Fund Balance

\$10,000 approp. to: 2015-48240 Engineering Study

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 to increase funds for the Central Garage. These funds would be used for changes in rates and accounting methods that have exceeded budget estimates. Council Member Rogers offered a motion to approve this request for a first reading and that:

\$60,000 chge. to: 2111-31695 Sale of Services to Departments

\$60,000 approp. to: 2111-612141-44300 Central Stores

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 to increase revenue and expenditure budget for the Police Department. He said these donated funds would be used to purchase a K-9 Police Dog and associated equipment. Police Chief Harper said that the Exchange Club has donated \$4,000 and the Harrisonburg Turks' Baseball Club has donated \$300 to purchase a fully trained K-9 Police Dog for the Police Department. Mayor Neff requested that a letter of appreciation on behalf of the City be sent to both organizations. Council Member Weaver offered a motion to approve this request for a first reading and that:

\$4,300 chge. to: 1000-31809 Donations

\$4,300 approp. to: 1000-310131-48241 K-9 Police Dog

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

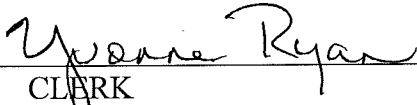
✓ Council Member Rogers said that an article in The Washington Post acknowledged the Winchester area as becoming a successful economic growth high technology area. Mr. Rogers said that the article stated that Winchester has become one of the fastest growing regions of the state, attracting 30 new businesses, investors, and home buyers. He encouraged the City Council to have a vision for the future of Harrisonburg by attracting larger industries with higher paying jobs. Mayor Neff commented that the I-81 corridor has been targeted for growth and with the proper marketing initiative and efforts the City of Harrisonburg could have a strong economic base. He said it will require a shared vision with everyone working together on what is best for the community.

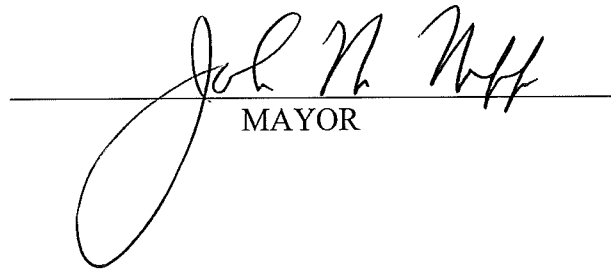
City Manager Stewart reminded everyone of the public hearing on the zoning and sign ordinance on March 19 at 7:00 p.m. at the high school auditorium.

At 8:34 p.m., Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of 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, and consultation with the City Attorney pertaining to probable litigation, exempt from the 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.

At 9:29 p.m., the executive session was declared closed and the regular session reconvened. The following statement was read and 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 9:30 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

MARCH 26, 1996

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.

Human Resource Director McBride introduced five new City employees: Mara Robbins, Parks and Recreation Department; James Myers, Police Department; Brian Hilliard, Public Works Department; Griffin Strother, Public Works Department; and Ron Hall, Public Works Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for the Police Department and Central Garage. The motion also included the second reading of a supplemental appropriation for an engineering study on a parking facility site evaluation. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, presented a brief report on a proposed application for the Bruce Street Community Development Block Grant from the Virginia Department of Housing and Community Development. Mr. Deskins explained that this application is basically the same project application HRHA submitted last year, but that project did not receive funding. The Harrisonburg Redevelopment and Housing Authority has changed several parts of the application and submitted a revised proposed application to the state. These changes include reducing money to be spent on Brook Avenue, a reduction in the overall housing re-hab program, removing any references to street repaving, and clarifying the source of the local fund match.

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 Monday, March 18, 1996.

The City of Harrisonburg, Virginia will conduct a public hearing on Tuesday, March 26, 1996 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 uses of CDBG funds. Information on the proposed project is available by contacting the City of Harrisonburg's Department of Community Development, located at 409 South Main Street, Harrisonburg, 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) working 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 application for grant funding. There being no one desiring to speak the public hearing was closed at 7:40 p.m., and the regular session reconvened. Council Member Weaver questioned if these changes in the application would have a more favorable response from the state. Mr. Deskins replied that the competition is stiff for the state funding because of the different concentration of low and moderate income people, but that the state does understand this and will develop a system which is fair and equal to all localities. 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.

✓ Planning and Community Development Director Turner introduced a request to rezone 7,241 square feet designated as Tax Map Parcel 34-H-14, from M-1 "General Industrial District" to B-1 "Central Business District." She explained that this request was actually made in the fall of 1994 and that the Planning Commission had recommended approval. On October 25, 1994, City Council set a public hearing date for November 22, 1994, however, there was a problem and although it was advertised the public hearing was not held. Mrs. Turner said that the original applicant believed the property was rezoned and had transferred it to Kenneth and Deborah Snyder. The Snyder's believed that the property had the B-1 zoning classification. So therefore, it remains a request to rezone an approximately 7,241 square foot parcel located on the southwest corner of the intersection of Noll Drive and West Gay Street from M-1 "General Industrial District" to B-1 "Central Business District." She said the Comprehensive Plan recommends a "commercial" use of the property.

At 7:46 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 11, and Monday, March 18, 1996.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 26, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider the following rezoning.

1) Consider rezoning lot 14, an approximately 7,241 square foot lot located on the south side of West Gay Street, from M-1 "General Industrial District" to B-1 "Central Business District." The B-1 district is the urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. The Comprehensive Plan recommendation for this property is "Commercial." The "Commercial" land use category is described as areas for retail, wholesale, or services functions. These areas are found along the major travel corridors and in the Central Business District of the City. The property is owned by Kenneth R. and Deborah G. Snyder and is located at 57 West Gay Street and is shown as Lot 14, Block H, Sheet 34 of the Harrisonburg Block Maps.

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

All persons interested will have an opportunity to express their views at the Public Hearing. Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of the meeting.

Steven E. Stewart
City Manager

Mayor Neff called on anyone desiring to speak either for or against this request. There being no one desiring to speak the public hearing was closed at 7:47 p.m., and the regular session reconvened. Vice-Mayor Dingledine offered a motion to accept Planning Commission's recommendation of October 1994 for the rezoning request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Police Chief Harper presented a request to add the north side of Cantrell Avenue from Mason Street to Main Street to the blue permit parking zone. He explained that the residents in the area of Cantrell Avenue between Mason Street and Main Street have no on street parking. When they have guests or activities at their homes, Mason Street is used for overflow of parking. Council Member Weaver offered a motion to approve this request as presented for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request for final subdivision plat approval, Martin Eby Subdivision, Section 3. She said this request would subdivide approximately 14,739 square feet from a larger parcel of land. The purpose of the request is to create a lot owned by GTE for telephone equipment. The preliminary subdivision plat and a required easement variance were approved by Planning Commission and the request has been recommended for approval. 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 request for final subdivision plat approval, Reherd Acres, Unit 26, Phase III. She said in October 1990 final plat approval was granted for all of Unit 26 in Reherd Acres, however, the developer intended to record

the project in phases. "Phase I" of the subdivision received City Council's approval in March 1991 and "Phase II" received approval in June 1993. The current request is for "Phase III," which includes lots 5-10 around a cul-de-sac. It involves no changes from the plats originally approved in 1990 and Planning Commission has recommended approval. 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.

Mayor Neff presented an annual report from the Harrisonburg Planning Commission for 1995. The report contains information of Planning Commission activities during 1995. He said the Planning Commission had discussed expanding their goals for 1996 and reflecting on some aspirations for the future. It was mentioned that the Planning Commission does have a reputation of being reactive instead of proactive.

City Manager Stewart explained that each year the City presents its top transportation priorities to VDOT at a preallocation hearing. This year the City will recommend and emphasis three projects including completion of West Market Street, the additional left turn lane on East Market Street at Cantrell Avenue and the completion of four laning Cantrell Avenue. The City will also place emphasis on the projects the City is funding without VDOT assistance.

Mayor Neff presented the following 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 are deletions and additions of street mileage which are eligible for maintenance payments.

1. **Collector/Local streets to be deleted, totaling 0.72 center line miles (1.44 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 2.79 center line miles (4.32 lane miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.**
3. **Principal/Minor Arterial streets to be deleted, totaling zero center line miles (zero lane miles).**
4. **Principal/Minor Arterial street to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 1.18 center line miles (4.72 lane miles). Said street 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, 1996.

Adopted by the Harrisonburg City Council this _____ day of March, 1996.

Attest:

Mayor

Clerk of City Council

Public Works Director Baker presented a resolution which will add streets to VDOT Urban Street Inventory. He explained that most of these streets were built several years ago but have not received their final surface top overlay. By adding these streets to the inventory they will receive future urban maintenance funding. Vice-Mayor Dingleline offered a motion to approve this resolution adding these streets to the VDOT inventory. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Finance Director Seal recommended that the local CPA firm of Phibbs, Burkholder, Geisert and Huffman be selected to perform the City's annual audit. He explained that this firm has performed the City's audit for many years. The contract will be for three years with an option to renew for an additional three years. Council Member Weaver offered a motion to offer the firm of Phibbs, Burkholder, Geisert and Huffman a three-year contract to conduct the City's annual audit. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

City Manager Stewart presented a recommendation to hire the firm of Scott & Stringfellow as the City's financial adviser for the planned road construction and improvement general obligation bonds of \$7,330,000. He explained that the bonds would be used for the cost of construction for extending Neff Avenue/Peach Grove Avenue including adding a traffic signal and improvements from University Boulevard to Neff Avenue on Reservoir Street. Road improvements for Pleasant Valley Road were initially part of the project but now have been dropped. Council Member Rogers offered a motion to approve this recommendation as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to approve transferring funds into a single capital project's account for a two-way radio system. They intend the system for all City departments that use a mobile radio system. Council Member Weaver offered a motion for the transfer of funds to be approved, and that:

\$60,000 chge. to: 1000-410241-48230 Communication equipment
40,000 chge. to: 2011-372061-48131 Radio equipment
40,000 chge. to: 2012-472061-48131 Radio equipment

\$60,000 approp. to: 1000-990111-49216 Transfer to capital projects
40,000 approp. to: 2011-392061-49216 Transfer to capital projects
40,000 approp. to: 2012-492061-49216 Transfer to capital projects

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

✓ Jim Hughes, State Commander of Veterans of Foreign Wars Rion-Bowman Post 632 presented a brief history of the post's 75 years of existence in Harrisonburg. He said on March 20, 1921 they chartered and named the post for two WWI veterans from Harrisonburg. In 1923 a memorial cannon was dedicated and placed in front of the high school. The post organized a fund drive in 1947 to build a memorial stadium honoring the 139 men killed in WWII. He stated that the Rion-Bowman VFW Post 632 is the largest post in the Shenandoah Valley and it has worked with the City on many projects while continuing to take care of its many veterans. Mayor Neff expressed Council's appreciation to Rion-Bowman VFW Post 632 for the many contributions to the community and stated that a proclamation will be prepared to proclaim March 30, 1996 as Rion-Bowman Veterans of Foreign Wars Post 632 Day.

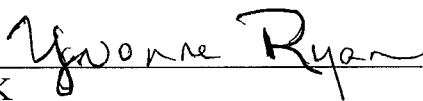
✓ Mayor Neff presented a proposed bird sanctuary ordinance. He said the bird sanctuary would protect "desirable" birds in the City but not those birds defined as "nuisance birds" in Section 3.1-1012(1) of the Code of Virginia, 1950. Any person convicted under this section shall be guilty of a class four misdemeanor. City Attorney Thumma noted that the state code defines nuisance birds as blackbirds, redwing blackbirds, cowbirds, pigeons, and starlings or any other species declared by the board of agriculture for the state. Following further discussion and comments, it was recommended that a copy of the draft bird sanctuary ordinance be sent to Norlyn Bodkin, Director of JMU's Arboretum, and George "Cricket" Barlow of the Rockingham Bird Club for their review and comments. Also, it was suggested that the ordinance be placed on the April 9 City Council agenda for a first reading.

At 8:35 p.m., Vice-Mayor Dingledine offered a motion that Council enter an executive session for discussion and consideration of 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 the 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.

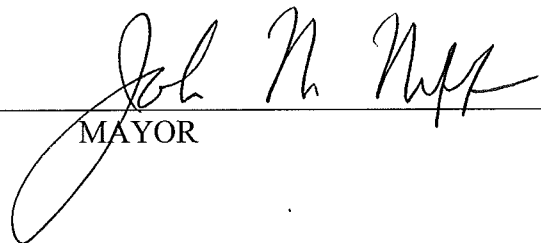
At 10:15 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from 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


Yvonne Ryan

MAYOR


John N. Neff

REGULAR MEETING

APRIL 9, 1996

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.

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 consent agenda, including approval of the minutes, and the second reading of an ordinance amending and re-enacting Section 13-1.60.01(b) of the Harrisonburg City Code. The motion also included referring an alley closing request to the Planning Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

At 7:35 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 Monday, April 1, 1996.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 9, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider the following:

A supplemental appropriation of \$2,200,000 for the 1995-96 budget. Approval of this request will transfer \$2,200,000 from the General Fund unreserved fund balance to the General Capital Projects Fund. This money will be used to partially fund the construction of a public safety building which will be used by the Police and Fire Departments. This is an approved project in the City's five (5) year Capital Improvement Program.

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

**Steven E. Stewart
City Manager**

City Manager Stewart explained that this supplemental appropriation request will increase the City's budget for 1995-96 by \$2,200,000. He said transferring \$2,200,000 from the City's General Fund unreserved fund balance into the General Capital Projects Fund will provide money to partially fund the construction of a new public safety building which would be used by the Police

Department, Fire Department Administration, and the Emergency Operation Center. This project has been in the City's approved Capital Improvement Program for the last two fiscal years and will allow the City to combine its communications efforts. It was noted that the Moseley McClintock Group had been authorized to conduct a preliminary review of these departments needs and present their recommendation to City Council. The preliminary review has estimated that the entire project will cost approximately \$4,500,000. By placing \$2,200,000 from the undesigatated fund into a savings account should provide one-half of the project cost. Vice-Mayor Dingledine called on anyone present desiring to speak either for or against this supplemental appropriation. There being no one desiring to speak the public hearing was closed at 7:39 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request for a first reading and that:

\$2,200,000 chge. to: 1000-31010 Amount from Fund Balance

\$2,200,000 approp. to: 1000-49216 Transfer to Capital Projects

\$2,200,000 chge. to: 1310-34210 Transfer from General Fund

\$2,200,000 approp. to: 1310-910141-48606 Public Safety Facility

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

City Manager Stewart presented the 1996-97 budget to the City Council. A public hearing will be held on April 23th with final approval on May 14th. There is no proposal for any tax or fee increases in the general fund for fiscal year 96-97 and this is the third year in a row that the tax rates have remained the same. The budget reflects a 12.8% reduction in capital expenditures. 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 City continues to be in a growth mode showing a 1 1/2% annual growth rate while trying to maintain service levels that will meet the demands within our existing resources. He noted that the budget does include a recommendation for a commitment for each of the next five years of \$200,000 for the library expansion for a total commitment of \$1,000, 000 in the capital funding for the library. The budget also includes funds to conduct a statistically valid telephone survey by a professional company and to increase funding for Rockingham Development Corporation. Education is a very significant part of the City and the proposed funding for City schools next year has a 2.5% or \$399,348 increase over the current year funding. Funding is included for Greener Harrisonburg and the City has consolidated work teams within some of its departments to maintain existing City property. Nevertheless, the general revenue picture is not quite as bright because of the change in the Business, Professional and Occupational License tax that the General Assembly recently revised. Mr. Stewart reviewed the 1994 retreat goals adopted by Council. He said the City is committed to public safety and noted that the Police Department's budget has increased by 7%. In the current year's budget the Police Department added six new police officers, one dispatcher, and purchased bullet proof vests for every officer. The department also created a Master Police Officer position to allow more senior officers to move up a career ladder without becoming a supervisor. In the adopted pay plan two levels of police officers were created for an expanded career ladder and had

granted additional step increases to police officers to reduce the compression of officers at the entry level. There are funds in the budget to move forward with the K-9 unit, additional equipment for the K-9 unit, proposing the creating of a traffic unit which includes purchasing two motorcycles for traffic enforcement, replacing four vehicles for the department, replacement radios, and new shotguns to be placed in the police cruisers. In addition with the first reading on transferring \$2,200,000 into the General Projects Fund for the public safety facility will take a major step to move the Police Department, Fire Department, and the Emergency Operation Center into the future. The Fire Department funding has increased by 6% from the current adopted budget because of an increase in service calls. The proposed infrastructure includes continuing our commitment of funding for the replacement of 1 ½ bridges each year, replacing deteriorated sidewalks, curbs, gutters and storm drainage, replacing a 1976 motor grader, replacement of a garage truck, resurfacing 12 miles of City streets, replacement of some key equipment at the water plant, repair of a major sewer pump station, repair and painting of a water storage tank, replacement of significant portion of the Blacks Run sewer interceptor, replacement of school buses, and renovation of a fuel storage tank. While this budget is a hold your line budget it will continue to move the City forward while maintaining our existing service level.

✓ Brian Shull, Executive Director of Rockingham Development Corporation, presented an updated report on the corporation activities. Mr. Shull reviewed the three major sources of business prospects for the area and noted that most of the large projects come through the State Department of Economic Development. While the area is in good shape on ready to go sites containing water, sewer and good access roads, nevertheless, it is still in desperate need for manufacturing space of buildings containing 60,000 square feet and up. The City does has two available buildings, but these facilities are under the recommended 60,000 square feet. Mr. Shull expressed that 40% of the people he has met with over the past several months are looking for existing space, but probably have overlooked Harrisonburg because it does not have any 60,000 square foot buildings to show. He noted expansion is just as important and a good example of this is Walker Manufacturing which has built another warehouse in the county to free up space at the City plant. RDC is placing more emphasis on advertising, direct mail, and face-to-face contact with people to offer the many opportunities that the City of Harrisonburg can provide. A new colorful kit cover had been created with the kit containing comments from two companies located in Harrisonburg and more detailed information regarding the Shenandoah Valley. Some of these comments include that the valley offers a superior lifestyle including quality schools and universities, thousands of acres of parks and recreation facilities, and less stress than a larger environment. The quality of life, education systems, and local economy have created an environment for positive, appreciative and dedicated employees. He also noted that full page ads have been place in trade journals.

✓ City Manager Stewart presented a resolution concerning the Virginia Retirement System. He explained that several changes have been made in the national accounting standards which was brought to the attention of the Commonwealth indicating that instead of continuing a long tradition of funding cost of living increases for retirees under the Virginia Retirement System on a pay-as-you go basis there is a need now to look at prefunding. The state have given the local governments two options on the prefunding. The first option would begin immediate funding in fiscal year 1997-98. The second option is a five-year phase in beginning in fiscal year 1997-98. The VRS board has encouraged all communities to select the first option which would begin total prefunding in 1997-98.

The long term cost to the City will be higher if they phase in the prefunding. Following further discussion and comments, Council Member Lantz offered a motion to table this request until the next Council meeting. 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 Harrisonburg Junior Woman's Club to close certain streets around Court Square for the purpose of having an Arts and Crafts Fair. Mr. Stewart also noted that the group has requested closing off all four sides of Court Square and waiving the \$150.00 fee for amusement rides. He said for safety reasons closing all four sides of Court Square is not permitted and that City Attorney Thumma had advised according to Section 12.1-38(d) of the City Code waiving the fee is not permitted. Council Member Weaver offered a motion to grant the request of the Harrisonburg Junior Woman's Club to close certain streets around Court Square but not all four sides and not to waive the fee. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented changes that are being proposed to be made in the City's Purchasing and Contracting Policy Manual. A City's Purchasing Process Redesign Project team was formed as a result of the City's commitment to Total Quality Management. This team has reviewed the policy and has made several suggestions and changes concerning the City's Central Stores which should provide some streamlining and make it more cost effective. Two of these changes were; that fixed assets are only items costing \$1,000 or more and; that City departments are required to obtain items from the City's Central Stores if stocked by Central Stores. These changes are proposed to be effective July 1, 1996. Council Member Weaver offered a motion to approve these changes in the City's Purchasing and Contracting Policy Manual. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a proposed bird sanctuary ordinance for a first reading. He said that the Bird Club and JMU Arboretum have reviewed this ordinance. City Attorney Thumma noted that after receiving some comments from the Bird Club and questions from a Council Member that he had researched the definition concerning fowl versus wild fowl. He said that he has determined that the definition of fowl is a hen, turkey or a domesticated bird. The term wildfowl includes game birds such as a wild turkey or pheasant and he noted wildfowl is only one word. In addition, the Bird Club had one concern with the word trapped that appeared in the first ordinance because it does have some members that trap birds only to band them and then they are released. So the word trapped has been removed. Council Member Weaver offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner presented several recommendations on the proposed Zoning Ordinance amendments. She said one change would include a rear yard setback from 25 feet to 20 feet for single family dwelling in the R-2, R-3 and R-4 zoning classifications. Also, adding telecommunications equipment and facilities not located in an enclosed structure and not attached to a principal building as a special permit use in the B-1 Central Business District zoning classification. The issues of topography to be used for consideration are sign height, parking for duplex/townhouses, employee parking concerns, and allowing shopping centers units

to have zero setbacks which should allow multiple owners to share a common parking lot should be discussed at a later date. It was recommended that the Planning Commission, City Council and Staff might want to consider these items in the future. However, the committee that worked on these revisions did have a few other things in their final recommendations. These include updating the subdivision ordinance, the creation of some basic landscaping regulations, reviewing special uses in R-2 zoning classification, and reviewing a suggestion for a new residential zoning classification between the R-2 and R-3 currently in the zoning ordinances. Mrs. Turner noted that since Planning Commission has presented these recommendations and has held a public hearing on these amendments it is ready for a first reading if Council should desire. Council Member Weaver offered a motion to approve these recommendations from the Planning Commission for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Attorney Thumma noted that he had received a proposed draft lease between the City, County, and the Health Department for the new consolidated facility. He said after reviewing the lease that everything is in order and that he is recommending approving the lease. Council Member Lantz offered a motion to approve the lease. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

At 8:45 p.m., Council Member Weaver offered a motion that Council enter an executive session for consultation with the City Attorney pertaining to probable litigation, exempt from the 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 9:30 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 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 9:45 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

Emily R. Dingleline
VICE-MAYOR

REGULAR MEETING

APRIL 23, 1996

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

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

Council Member Weaver offered a motion to approve the consent agenda, including approval of the minutes, the second reading of an supplemental ordinance and an ordinance enacting Section 15-2-10 of the Harrisonburg City Code. The motion also included the second reading of the Sign Ordinance and amendments to the Zoning Ordinance. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart briefly reviewed the 1996-97 budget with City Council. A presentation was made to Council on April 9, 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 1996-97 and this is the third year in a row that the tax rates have remained the same. The budget focuses on three primary functions which include education, public safety and maintaining the existing infrastructure. It also reflects a 12.8% reduction in net expenditures from the amended 1995-96 budget. However, it includes a recommendation for a commitment for each of the next five years of \$200,000 for the library expansion for a total commitment of \$1,000,000 in the capital funding for the library. Mr. Stewart reviewed the 1994 retreat goals adopted by Council. The schools represent the largest single expenditure in the City's budget. All the estimated increase in the General Fund revenues will go to school funding. The other City departments funded by the General Fund will collectively operate with fewer dollars next year than the current year. There are no new personnel proposed in the entire budget. He said the City is committed to public safety and noted that the Police Department's budget has increased by 7%. The proposed infrastructure includes many projects including replacement of 1 ½ bridges each year, replacing deteriorated sidewalks, curbs, gutters and storm drainage, replacing a motor grader and garbage truck, resurfacing City streets, replacement of water plant equipment, school buses, and repair of a water storage tank.

At 7:47 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 15, 1996.

CITY OF HARRISONBURG, VIRGINIA

PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 1997

For information and fiscal planning purposes only

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 23, 1996 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.

	1996-97	1995-96
	As	As
<u>Revenue-By Funds</u>	<u>Proposed</u>	<u>Amended</u>
General	38,479,657	39,376,879
School	26,949,451	25,884,397
General Capital Projects	846,320	3,677,588
Water Capital Projects	850,000	1,997,377
Sewer Capital Projects	1,117,000	1,487,670
Sanitation Capital Projects	100,000	6,754,626
Water	4,155,304	4,072,026
Sewer	5,289,956	5,030,976
Public Transportation	2,244,778	2,464,588
Sanitation	5,209,664	4,218,473
Parking Authority	243,798	345,465
Central Garage	570,709	410,720
Central Stores Operating	<u>95,292</u>	<u>93,972</u>
Gross	86,151,929	95,814,757
Inter fund transfers	(22,492,484)	(23,120,683)
Net	<u>63,659,445</u>	<u>72,694,074</u>
<u>Expenditures - By Funds</u>		
General	38,479,657	39,376,879
School	26,949,451	25,884,397
General Capital Projects	846,320	3,677,588
Water Capital Projects	850,000	1,997,377
Sewer Capital Projects	1,117,000	1,487,670
Sanitation Capital Projects	100,000	6,754,626
Water	4,155,304	4,072,026
Sewer	5,289,956	5,030,976
Public Transportation	2,244,778	2,464,588
Sanitation	5,209,664	4,218,473
Parking Authority	243,798	345,465
Central Garage	570,709	410,720
Central Stores Operating	<u>95,292</u>	<u>93,972</u>

Gross	86,151,929	95,814,757
Inter fund transfers	(22,492,484)	(23,120,683)
Net	<u>63,659,445</u>	<u>72,694,074</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, Virginia

Mayor Neff called on anyone present desiring to speak either for or against the 1996-97 budget.

Richard Yoder, Chairman of the Harrisonburg City School Board, appealed to Council to fully fund the board's proposed 1996-97 budget. He said the school board and staff have been trying the last couple of years to be more open and collaborative - not only with the City Council but also with parents and residents of this City who care deeply about our young people. The school board has held seven Community Priorities Workshops, numerous meetings, and have provided the City residents with an unparalleled amount of budgetary information. He noted that this is the third year that the school board budget has been substantially reduced with no explanation or rationale for these cuts. He expressed that it sends a signal that regardless of how carefully the school budget is prepared the City Council will cut 3-4% from the amount requested. If the current tax revenues are unable to service the needs of a growing population then perhaps there is a need to seriously re-examine the tax rates.

Hugo Kohl, expressed his thanks to the City Council for appropriating \$1,000,000 for the expansion of the library. He noted that his family were heavy users of the library and requested that Council appropriate the money for the current operating budget.

Bill Boyd, expressed appreciation for the actions and efforts of the City Council in both an historical sense for the present and future. He noted that the library will become more active and should have a more widespread function in the downtown area. There being no others desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session reconvened. Council Member Weaver offered a motion that this 1996-97 appropriation ordinance be approved for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Carla M. Komich, President of James Madison University E.A.R.T.H., presented several petitions to City Council requesting that any future development of streets include plans for bicyclists and walking paths. She encouraged Council to implement any preliminary plans for bike paths in the City. Mayor Neff noted that a bike path plan does exist and it will be planned and coordinated in conjunction with the HATS study.

Planning and Community Development Director Turner introduced a request for final subdivision plat approval, Park Lawn Subdivision Section 5. She said this request would subdivide a parcel into twelve single family lots. The preliminary subdivision plat, required easements and bonds were approved by Planning Commission and the request has been recommended for approval. Vice-Mayor Dingledine 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.

Planning and Community Development Director Turner introduced a request for final subdivision plat approval, Woodland of Virginia, Inc. and a request for final subdivision plat approval, QUAD Development of Woodland South Woods, Section Two. She said the first part of the request would carve a 3 ½ acre parcel from a larger tract of land owned by Woodland of Virginia. The second part of the request would take the 3 ½ acres and further divide it into individual lots for residential development. This property is zoned R-3 Multi-Dwelling Residential District which would allow multi-dwelling units, however, the applicant plans to build single family homes on lots of 6,000 square feet or greater. It is in conformance with all the comprehensive plans and all the required bonds and easements were approved. A required 30 foot wide utility easement would reduce the building area on lots K8 and K9. However, Mrs. Turner noted that because of the shallowness of these two lots potential development problems might be created in the future. Appeals for variances would probably be viewed as self created hardships which would make these lots ineligible for a variance. The Planning Commission recommends approving this 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.

Planning and Community Development Director Turner presented recommendations from the rewrite committee and Planning Commission on items to be considered for future amendments to the zoning and related ordinance. She explained that City Council had requested information on everything the rewrite committee and Planning Commission had recommended for inclusion in future amendments to the zoning and sign ordinance. Mayor Neff noted that it was his understanding that the information would be sent to the Planning Commission for further study and prioritization. Following further discussion and comments, Council Member Weaver offered a motion to refer these recommendations to the Planning Commission for further study stressing that the list is not an all inclusive list. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart announced that Richmond Primoid, Inc., was the low bidder at \$168,000 for the renovations on the Elizabeth Street/Mason Street Parking Deck. There are funds available in the current budget plus money that has been proposed in next year's budget which should be adequate to complete the renovations. Council Member Rogers offered a motion to authorize the City Manager to sign a contract with Richmond Primoid in the amount of \$168,000 for renovations of the Elizabeth Street/Mason Street Parking Deck. 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 appropriations to transfer the remaining balance from the completed Bruce Street Bridge project to complete the

Washington Street Bridge project. Council Member Rogers offered a motion for the transfer of funds to be approved, and that:

\$1,463.39 chge to: 1310-910141-48601 Bruce Street Bridge

\$1,463.39 approp. to: 1310-910141-48603 Washington Street Bridge

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

City Manager Stewart presented a request to approve the reallocation of present budget estimates in the amount of \$12,000 for the West Market Street project. These funds which will be used to purchase right-of-way acquisitions is a joint project between the City and VDOT. Vice-Mayor Dingledine offered a motion for the transfer of funds to be approved, and that:

\$6,000 chge to: 1000-121711-41050 Annual Leave - Separation

\$6,000 chge to: 1000-121711-41051 Sick Leave - Separation

\$12,000 approp. to: 1000-410241-48297 WIP - West Market Street

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 appropriation to increase revenue and expenditure in the Police Department budget. He said the Police Department spent money for a Falcon Radar System and this grant from the Department of Motor Vehicles will reimburse the Police Department. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$1,455 chge. to: 1000-32520 Police DMV Grant

\$1,440 approp. to: 1000-310131-46100 Police Supplies

15 approp. to: 1000-310131-45850 Freight

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

City Manager Stewart presented a resolution for adoption concerning the Virginia Retirement System. This item was tabled at the last meeting. Several questions were asked by Council Member Lantz concerning the break-even point if the City would prefund beginning in 1997-98 the VRS cost-of living increases for retirees. Using a 30 year planning period, the break-even point on a cash basis is in the 15th year, with a savings of \$2,902,924 over the 30 year period. On a present value basis, the break-even point is in the 19th year, with a savings of \$586,519. Council Member Lantz offered a motion to approve this resolution as presented. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

Council Member Lantz stated that he had received two telephone calls concerning the Gater Swim Team. Members expressed that Westover Pool is charging too much money for its use. The team has been using the pool for three years, but the reason it is being mentioned now is because membership has dropped and the team has experienced some financial difficulties. He said although the team is behind in its bills they are requesting a reduced fee for using the pool. At present the swim team is paying approximately \$20,000 per year. Parks and Recreation Director Logan explained that the department is aware of the financial difficulties of the swim team, but also noted that when the swim team is using the pool it is closed to the public. Following further discussion and comments, Parks and Recreation Director Logan suggested that the Gater Swim Team Executive Committee work with the Parks and Recreation Department to hopefully resolve this problem.

At 8:47 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 Social Services Advisory Board and the Community Services (Chapter 10) Board exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Also, discussion with the City Attorney in considering the disposition of publicly held real property, exempt from the public meeting requirements pursuant to Section 2.1-344(A) (3) of the Code of Virginia. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

At 9:25 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 Sallie McBride Strickler, 1017 Smithland Road, be appointed to another term on the Social Services Advisory Board to expire on July 1, 2000. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Joanne Taylor, 119 Broad Street, be appointed to a second term on the Community Services (Chapter 10) Board to expire on July 1, 1999. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

At 9:27 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

John R. Ruff
MAYOR

REGULAR MEETING

MAY 14, 1996

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 the Boy Scout Troop #40 from Asbury United Methodist Church led everyone in the Pledge of Allegiance.

✓ Police Chief Harper introduced ARCO, a K-9 Police Dog, and his handler Officer Julie Welch. He said ARCO was purchased through donations to the Police Department. The Exchange Club provided funds to purchase the K-9 Police Dog and the Harrisonburg Turks' Baseball Club provided funds for associated equipment. The Rotary Club of Harrisonburg donated funds for equipment and the Elks Lodge #450 provided funds to purchase a cage for the police car.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, the second reading of an supplemental ordinance (DMV Grant Money) for the Police Department and the 1996-97 Appropriation Ordinance. The motion also included setting a public hearing date of June 11, 1996 to consider an alley closing. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

**APPROPRIATION ORDINANCE
OF THE CITY OF HARRISONBURG, VIRGINIA
For the Fiscal Year Ending June 30, 1997**

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1997. 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, 1997:

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 one hundred thousand, three hundred ninety-five dollars (\$100,395) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$35,314
(2) Other Operating Expenses	60,081
(3) Capital Outlays	5,000

Paragraph Two - Office of City Manager (120111)

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of two hundred fifty-seven thousand, five hundred thirty-two dollars and (\$257,532) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$174,250
(2) Other Operating Expenses	80,782
(3) Capital Outlays	2,500

Paragraph Three - Office of City Attorney (120411)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of forty-three thousand, one hundred sixty-seven dollars (\$43,167) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$43,167
------------------------------	----------

Paragraph Four - Office of Human Resources (120511)

For the current expenses and capital outlays of the DEPARTMENT OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of ninety-five thousand, two hundred forty-five dollars (\$95,245) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$71,528
(2) Other Operating Expenses	22,737
(3) Capital Outlays	980

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 outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of two hundred seventy-six thousand, one hundred sixty-four dollars (\$276,164) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$185,590
(2) Other Operating Expenses	84,574
(3) Capital Outlays	6,000

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of sixty-five thousand, three hundred thirty dollars (\$65,330) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$20,000
(2) Other Operating Expenses	20,330
(3) Capital Outlays	25,000

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 six thousand dollars (\$6,000) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$6,000
------------------------------	---------

Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of two hundred eighty-three thousand, three hundred sixty-two dollars (\$283,362) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$184,912
-----------------------	-----------

(2)	Other Operating Expenses	84,950
(3)	Capital Outlays	13,500

Paragraph Ten - Department of Finance (121511)

For the current expenses and capital outlays of the DEPARTMENT OF FINANCE, a division of the General and Financial Administration, the sum of two hundred forty-eight thousand, five hundred eighty dollars (\$248,580) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$174,721
(2)	Other Operating Expenses	70,359
(3)	Capital Outlays	3,500

Paragraph Eleven - Retirement Board (121711)

For the current expenses 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 outlays of the DATA PROCESSING, a division of the General and Financial Administration, the sum of ninety-five thousand, seven hundred forty-four dollars (\$95,744) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$37,208
(2)	Other Operating Expenses	53,536
(3)	Capital Outlays	5,000

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-four thousand, two hundred ninety-nine dollars (\$84,299) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$60,462
(2)	Other Operating Expenses	23,837

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 forty-nine thousand, four hundred forty-three dollars (\$49,443) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$45,000
(2)	Other Operating Expenses	4,443

Paragraph Fifteen - Electoral Board and Officials (130114)

For the current expenses and capital outlays of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of ninety-one thousand, three hundred nineteen dollars (\$91,319) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$51,911
(2)	Other Operating Expenses	35,408
(3)	Capital Outlays	4,000

Paragraph Sixteen - Police Department (310131)

For the current expenses and capital outlays of the POLICE DEPARTMENT, a division of the Department of Public Safety, the sum of three million, nine thousand, nine hundred thirteen dollars (\$3,009,913) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,976,875
(2)	Other Operating Expenses	899,488
(3)	Capital Outlays	133,550

Paragraph Seventeen - Fire Department (320132)

For the current expenses and capital outlays of the FIRE DEPARTMENT, a division of the Department of Public Safety, the sum of two million, four hundred seventy-seven thousand, two hundred nineteen dollars (\$2,477,219) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,575,926
(2)	Other Operating Expenses	784,058
(3)	Capital Outlays	117,235

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 thirty-two thousand, five hundred dollars (\$32,500) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$32,500 |
|-----|--------------------------|----------|

Paragraph Nineteen - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of three hundred twenty-four thousand, seven hundred sixty dollars (\$324,760) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$211,196 |
| (2) | Other Operating Expenses | 90,564 |
| (3) | Capital Outlays | 23,000 |

Paragraph Twenty - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of sixty-five thousand, five hundred twenty dollars (\$65,520) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$21,072 |
| (2) | Other Operating Expenses | 44,448 |

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 sixty-five thousand, fifty-one dollars (\$165,051) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Other Operating Expenses | \$165,051 |
|-----|--------------------------|-----------|

Paragraph Twenty-Three - General Engineering/Administration (410121)

For the current expenses and capital outlays of the GENERAL ENGINEERING/ADMINISTRATION, a division of the Department of Public Works, the sum of five hundred thirty-two thousand, five hundred seventy-one dollars (\$532,571) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$318,309
(2)	Other Operating Expenses	126,262
(3)	Capital Outlays	88,000

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

For the current expenses and capital outlays of STREET INSPECTION AND MAINTENANCE, a division of the Department of Public Works, the sum of two million, nine hundred twenty-four thousand, nine hundred thirty-two dollars (\$2,924,932) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$811,074
(2)	Other Operating Expenses	1,566,335
(3)	Capital Outlays	547,523

Paragraph Twenty-Five - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred thousand dollars (\$400,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$400,000
-----	--------------------------	-----------

Paragraph Twenty-Six - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of one hundred thirty-one thousand, six hundred seventy-six dollars (\$131,676) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$44,096
(2)	Other Operating Expenses	78,580
(3)	Capital Outlays	9,000

Paragraph Twenty-Seven - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of five hundred fifty-one thousand, six hundred fifty-four dollars (\$551,654) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$195,380
(2)	Other Operating Expenses	231,274
(3)	Capital Outlays	125,000

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

For the current expenses and capital outlays of HIGHWAY/ STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of two hundred fourteen thousand, nine hundred sixty-two dollars (\$214,962) is appropriated from the General Fund to be appointed as follows:

(1)	Personal Services	\$137,729
(2)	Other Operating Expenses	75,233
(3)	Capital Outlays	2,000

Paragraph Twenty-Nine - Street Cleaning (420241)

For the current expenses and capital outlays of STREET CLEANING, a division of Public Works, the sum of two hundred sixty-five thousand, twenty-six dollars (\$265,026) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$92,033
(2)	Other Operating Expenses	84,993
(3)	Capital Outlays	88,000

Paragraph Thirty - Insect and Rodent Control (420641)

For the current expenses and capital outlays of INSECT AND RODENT CONTROL, a division of the Department of Public Works, the sum of thirty-four thousand, one hundred thirty-seven dollars (\$34,137) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$16,878
(2)	Other Operating Expenses	12,792
(3)	Capital Outlays	4,467

Paragraph Thirty-One - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of one hundred fifty-nine thousand, five hundred sixty dollars (\$159,560) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$17,739
(2)	Other Operating Expenses	96,821
(3)	Capital Outlays	45,000

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 sixty-five thousand, two hundred sixty-seven dollars (\$165,267) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$165,267
-----	--------------------------	-----------

Paragraph Thirty-Three - Community Services Board (520511)

For the current expenses of COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of eighty-nine thousand, two hundred ninety-six dollars (\$89,296) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$89,296
-----	--------------------------	----------

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 - Parks and Recreation Administration (710171)

For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of one million, one hundred twenty-eight thousand, three hundred twenty-four dollars (\$1,128,324) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$547,985
(2)	Other Operating Expenses	526,839
(3)	Capital Outlays	53,500

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

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of three hundred ninety-six thousand, nine hundred dollars (\$396,900) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$209,550
(2)	Other Operating Expenses	127,350
(3)	Capital Outlays	60,000

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-two thousand, three hundred sixty-four dollars (\$62,364) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$25,676
(2)	Other Operating Expenses	36,688

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-six thousand, seven hundred thirty-seven dollars (\$36,737) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$27,040
(2)	Other Operating Expenses	9,697

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 eighteen thousand, four hundred thirty-three dollars (\$218,433) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$123,199
(2)	Other Operating Expenses	95,234

Paragraph Forty - Athletic Complex (710871)

For the current expenses of the ATHLETIC COMPLEX at the old landfill, a division of Parks, Recreation and Cultural, the sum of twenty thousand, nine hundred twenty dollars (\$20,920) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$8,037
(2)	Other Operating Expenses	12,883

Paragraph Forty-One - Planning Commission (810121)

For the current expenses and capital outlays of the PLANNING COMMISSION, a division of the Department of Community Development, the sum of one hundred thirty-five thousand, eight hundred eighty dollars (\$135,880) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$88,456
(2)	Other Operating Expenses	40,424

(3)	Capital Outlays	7,000
-----	-----------------	-------

Paragraph Forty-Two - Zoning Administration (810221)

For the current expenses of "ZONING ADMINISTRATION", a division of the Department of Community Development, the sum of sixty-seven thousand, five hundred eighty dollars (\$67,580) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$50,359
(2)	Other Operating Expenses	17,221

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, eight hundred ninety-two dollars (\$5,892) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,200
(2)	Other Operating Expenses	4,692

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 sixty-three thousand, nine hundred dollars (\$63,900) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$46,800
(2)	Other Operating Expenses	17,100

Paragraph Forty-Five - Non-Departmental - Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of six hundred twenty-one thousand, one hundred thirteen dollars (\$621,113) 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 District	3,500
45648 Blue Ridge Community College	3,000
45649 Rockingham Co. Historical Society	4,000
45650 Valley Program for Aging Services	20,600
45652 First Step, Inc.	21,000
45653 Non-Departmental CATV	5,000

45654 Chamber of Commerce Convention	35,470
45656 BRCC-Site Improvement	20,000
45658 Greener Harrisonburg	1,000
45660 Other Non-departmental	25,000
45661 Committee for Downtown	15,000
45664 Woodbine Cemetery	1,500
47010 Rockingham County Library-Operating	174,328
47011 Rockingham County Library - Capital Outlays	200,000
47020 Upper Valley Regional Park Authority	29,000
47030 Juvenile Detention Home	39,872

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

For the payment of joint expenses, the sum of one million, two hundred eleven thousand, seven hundred twenty-eight dollars (\$1,211,728) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc.	\$696,000
47071 Expense of Social Service District	515,728

Paragraph Forty-Seven - 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 Airport - Operating	\$25,000
47045 Airport Capital Improvements	15,000

Paragraph Forty-Eight - Non Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of eleven thousand, eight hundred ninety dollars (\$11,890) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$11,890
----------------------------	----------

Paragraph Forty-Nine - Indebtedness Requirement General Fund (980142)

For the payment of interest and principal on bonds and lease purchases and bank handling charges of the City of Harrisonburg, Virginia, the sum of one million, three hundred twenty-six thousand, nine hundred forty-nine dollars (\$1,326,949) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$1,325,449
(2) Bank Handling Charges	1,500

Paragraph Fifty - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of nineteen million, seven hundred twenty-one thousand, five hundred fifty-two dollars (\$19,721,552) is appropriated from the General Fund to be apportioned as follows:

(1) General Capital Projects Fund	\$831,320
(2) School Fund	16,372,932
(3) Central Garage Fund	27,216
(4) Central Stores Fund	38,112
(5) Public Transportation Fund	558,960
(6) Sanitation Fund	1,833,600
(7) Parking Authority Fund	59,412

Paragraph Fifty-One - 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 Revenues

Total General Fund Appropriation for the Fiscal Year Ending June 30, 1997	<u>\$38,479,657</u>
--	---------------------

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

Amount from Fund Balance	\$ 850,587
General Property Taxes	13,824,730
Other Local Taxes	15,300,075
Permits, Privilege Fees and Regulatory Licenses	170,050
Fines and Forfeitures	275,700
Revenue from use of Money & Property	416,200
Charges for Services	217,550
Miscellaneous Revenue	3,254,065
Recovered Costs	50,000
Non-Categorical Aid	804,930
Shared Expenses (Categorical-Aid)	241,200
Other Categorical-Aid	2,503,810
Non-Revenue Receipts	2,500

Transfers from other Funds 568,260

Total General Fund Revenue
for the Fiscal Year Ending June 30, 1997 \$38,479,657

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, 1997:

Paragraph One - Instruction (40610)

1) Instruction \$17,853,981

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, three hundred forty-eight thousand, four hundred forty-four dollars (\$1,348,444) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration/Attendance
& Health Service \$1,348,444

Paragraph Three - Public Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT OF EDUCATION, the sum of six hundred sixty thousand, fifty dollars (\$660,050) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Service \$660,050

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 three thousand, nine hundred forty dollars (\$2,203,940) is appropriated from the City School Fund to be apportioned as follows:

(1) Operations and Maintenance \$2,203,940

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, four hundred thirty-three thousand, fifty-five dollars (\$1,433,555) is appropriated from the City School Fund to be apportioned as follows:

- | | |
|----------------------------------|-------------|
| (1) School Food Services & Other | |
| Non Instructional Operations | \$1,433,555 |

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 Fund (40670)

For the payment of interest and principal on bonds, etc., of the School System of the City of Harrisonburg, Virginia, the sum of three million, four hundred forty-seven thousand, four hundred eighty-one dollars (\$3,447,481) is appropriated from the City School Fund to be apportioned as follows:

- | | |
|-------------------------------|-------------|
| (1) Serial Bonds and Interest | \$3,447,481 |
|-------------------------------|-------------|

S U M M A R Y

Expenditures and Revenues

Total School Fund Appropriations for Fiscal Year Ending June 30, 1997	<u>\$26,949,451</u>
--	---------------------

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

Receipts from State School Funds	\$8,310,653
Revenue from Federal Funds	1,244,319
Receipts from other Funds	1,021,547
Transfers Receipts from City's General Fund	<u>16,372,932</u>

Total School Fund Revenue for the Fiscal Year Ending June 30, 1997	<u>\$26,949,451</u>
---	---------------------

SECTION III - CAPITAL PROJECTS

General Capital Projects Fund (1310)

That the following sum of money be and the same hereby are appropriated for General Capital Projects purposes herein specified for the fiscal year ended June 30, 1997:

Paragraph One - Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of eight hundred forty-six thousand, three hundred twenty dollars (\$846,320) appropriated as follows:

48605 Grace Street Bridge	\$311,320
48607 East Side Road Improvement	100,000
48608 Chesapeake Avenue Bridge	400,000
48610 2-Way Communication System	35,000

SUMMARY

Expenditures and Revenues

Total General Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 1997	<u>\$846,320</u>
--	------------------

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

34210 Transfer from General Fund	\$831,320
34220 Transfer from Water Fund	7,500
34230 Transfer from Sewer Fund	<u>7,500</u>

Total General Capital Projects Fund Revenue For the fiscal Year Ending June 30, 1997	<u>\$846,320</u>
---	------------------

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, 1997:

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of eight hundred fifty thousand dollars (\$850,000) is appropriated as follows:

48621 Western Raw Water Line	\$640,000
48622 Garbers Church/Silver Lake Pump Station	60,000
48626 West Market Street - Water Utilities	100,000
48627 Washington Street Tank Repair	50,000

S U M M A R Y

Expenditures and Revenues

Total Water Capital Projects Fund Appropriations for the Fiscal Year Ended June 30, 1997	<u>\$850,000</u>
---	------------------

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

34220 Transfer from Water Fund	<u>\$850,000</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, 1997:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of one million, one hundred seventeen thousand dollars (\$1,117,000) is appropriated as follows:

48641 Blacks Run Interceptor	\$785,000
48645 PHR&A I&I	217,000
48642 Park View Sewer Improvement	15,000
48646 VDOT West Market Street Construction	100,000

S U M M A R Y

Expenditures and Revenues

Total Sewer Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 1997	<u>\$1,117,000</u>
--	--------------------

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

34230 Transfer from Sewer Fund	<u>\$1,117,000</u>
--------------------------------	--------------------

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, 1997:

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of one hundred thousand dollars (\$100,000) is appropriated as follows:

48681 Landfill closure and monitoring	\$100,000
---------------------------------------	-----------

S U M M A R Y

Expenditure and Revenue

Total General Capital Projects Fund appropriation for the Fiscal Year Ended June 30, 1997	<u>\$100,000</u>
--	------------------

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

34270 Transfer from Sanitation Fund	\$100,000
-------------------------------------	-----------

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, 1997:

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred ninety thousand, nine hundred thirty-six dollars (\$190,936) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$99,000
(2)	Other Operating Expenses	91,936

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, two hundred fifty dollars (\$247,250) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$9,800
(2)	Other Operating Expenses	237,450

Paragraph Three - Transmission and Distribution (332061)

For the current expenses of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of seven hundred thirty-two thousand, two hundred sixty-eight dollars (\$732,268) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$366,300
(2)	Other Operating Expenses	365,968

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-nine thousand, four hundred nineteen dollars (\$129,419) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$76,300
(2)	Other Operating Expenses	53,119

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of seven hundred forty-eight thousand, five hundred dollars (\$748,500) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 8,900
(2)	Depreciation	612,000
(3)	Taxes, etc.	127,600

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 eight-seven thousand, eight hundred eighty-three dollars (\$587,883) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$347,500
(2)	Other Operating Expenses	240,383

Paragraph Seven - Capital Outlay (372061)

For the capital outlays in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of three hundred twenty-five thousand, five hundred dollars (\$325,500) is appropriated from the Water Fund to be apportioned as follows:

(1)	Capital Outlays	\$325,500
-----	-----------------	-----------

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, one hundred ninety-three thousand, five hundred forty-eight dollars (\$1,193,548) is appropriated from the Water Fund to be apportioned as follows:

(1)	General Fund-Share of Accounting, Collecting & Data Processing	\$275,700
(2)	Central Garage Fund	31,752
(3)	Central Stores Fund	28,596
(4)	Water Capital Projects Fund	850,000
(5)	General Capital Projects Fund	7,500

S U M M A R Y

Expenditures and Revenues

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1997	<u>\$4,155,304</u>
---	--------------------

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

Permits, Privilege Fees and Regulatory Licenses	\$105,000
Revenue from use of Money & Property	142,500
Charges for Services	3,379,008
Recovered Costs	6,008
Miscellaneous Revenues	1,000
Transfers of depreciation	418,788
Non-Revenue Receipts	<u>103,000</u>

Total Water Fund Revenues for the Fiscal Year Ending June 30, 1997	<u>\$4,155,304</u>
---	--------------------

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, 1997.

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 fifty thousand, seven hundred thirty-eight dollars (\$150,738) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$73,600
(2)	Other Operating Expenses	77,138

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, twenty thousand, six hundred fifty dollars (\$1,020,650) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$19,000
(2)	Other Operating Expenses	1,001,650

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 ninety-three thousand, five hundred fourteen dollars (\$593,514) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$347,800
(2)	Other Operating Expenses	245,714

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of six hundred fourteen thousand, seven hundred dollars and (\$614,700) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$3,000
(2)	Depreciation	506,800
(3)	Taxes, etc.	104,900

Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred thirty-eight

thousand, five hundred ten dollars (\$138,510) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$68,000
(2)	Other Operating Expenses	70,510

Paragraph Six - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred fifty-eight thousand dollars (\$258,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Capital Outlay	\$258,000
-----	----------------	-----------

Paragraph Seven - Indebtedness Requirement - Sewer Fund (482061)

For the payment of the City's share of interest and principal on HRSA debt, the sum of one million, sixty-two thousand, five hundred dollars (\$1,062,500) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Serial Bonds, Interest, etc.	\$1,062,500
-----	------------------------------	-------------

Paragraph Eight - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the SEWER FUND, the sum of one million, four hundred fifty-one thousand, three hundred forty-four dollars (\$1,451,344) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$266,520
(2)	Sewer Capital Projects Fund	1,117,000
(3)	General Capital Projects Fund	7,500
(4)	Central Garage Fund	31,740
(5)	Central Stores Fund	28,584

S U M M A R Y

Expenditures and Revenues

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1997	<u>\$5,289,956</u>
---	--------------------

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

Amount from Fund Balance	\$144,652
Permits, Privilege Fees and Regulatory Licenses	55,000
Revenue from use of Money & Property	150,000
Charges for Services	4,382,500
Recovered Costs	51,004
Transfers of depreciation	<u>506,800</u>
Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 1997	<u>\$5,289,956</u>

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, 1997:

Paragraph One - Transit Buses (812081)

For the current expenses and depreciation of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of one million, one hundred forty-six thousand, ninety-three dollars (\$1,146,093) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$580,141
(2)	Other Operating Expenses	490,952
(3)	Depreciation	75,000

Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of eight hundred seventy-three thousand, six hundred eighty-five dollars (\$873,685) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$449,854
(2)	Other Operating Expenses	363,831
(3)	Depreciation	60,000

Paragraph Three - Taxi Cabs/Vans (832081)

For the current expenses of TAXI CABS/VANS, a division of the Public Transportation Fund, the sum of ten thousand dollars (\$10,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$10,000
-----	--------------------------	----------

Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of fifty thousand dollars (\$50,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Depreciation	\$50,000
------------------	----------

Paragraph Five - Capital Outlay (872081)

For the capital outlays in the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of one hundred sixty-five thousand dollars (\$165,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlays	\$165,000
---------------------	-----------

SUMMARY**Expenditures and Revenues**

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1997	<u>\$2,244,778</u>
--	--------------------

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

Charges for Services	\$1,119,097
Recovered Costs	1,997
Categorical Aid-Commonwealth	193,000
Categorical Aid-Federal	300,000
Transfers from General Fund and depreciation	<u>630,684</u>

Total Public Transportation Fund Revenues for the Fiscal Year ending June 30, 1997	<u>\$2,244,778</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, 1997:

Paragraph One - Co-Generation Facility (912142)

For the current expenses of the CO-GENERATION FACILITY, a division of the Sanitation Fund, the sum of one hundred sixty thousand, six hundred eighty-one dollars (\$160,681) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 25,620
(2)	Other Operating Expenses	135,061

Paragraph Two - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of eight hundred seventy-six thousand, four hundred ten dollars (\$876,410) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$492,294
(2)	Other Operating Expenses	384,116

Paragraph Three - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred eighteen thousand, four hundred eighty-seven dollars (\$418,487) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$254,402
(2)	Other Operating Expenses	164,085

Paragraph Four - Sanitary Landfill (932042)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of five hundred sixty-five thousand, two hundred fifty dollars (\$565,250) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$565,250
-----	--------------------------	-----------

Paragraph Five - Miscellaneous (942042)

For depreciation, bonds issue cost 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 Six - Sanitary Recycling (952042)

For the current expenses of the SANITARY RECYCLING, a division of the Sanitation Fund, the sum of four hundred four thousand, fifty-seven dollars (\$404,057) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$240,539
(2)	Other Operating Expenses	163,518

Paragraph Seven - Capital Outlay (972043)

For the capital outlays of the SANITATION FUND, a division of the Sanitation Fund, the sum of two hundred forty-five thousand dollars (\$245,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Capital Outlays	\$245,000
-----	-----------------	-----------

Paragraph Eight - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the SANITATION FUND, the sum of two million, twenty-five thousand, seven hundred twenty-nine dollars (\$2,025,729) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Serial Bonds and Interest	\$2,025,729
-----	---------------------------	-------------

Paragraph Nine - Transfers (990242)

For transfers to Capital Projects for landfill closure and monitoring costs of the Sanitation Fund. The sum of one hundred thousand dollars (\$100,000) is appropriated from the Sanitation Fund to be apportioned as follows.

(1)	Transfers to Sanitation Capital Projects Fund	\$100,000
-----	--	-----------

S U M M A R Y

Expenditures and Revenues

Total Sanitation Fund appropriations for the Fiscal Year Ending June 30, 1997	<u>\$5,209,664</u>
--	--------------------

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

Revenue from use of Money & Property	\$110,000
Charges for Services	1,723,996

Recovered Costs	1,290,142
Miscellaneous Revenues	50,000
Transfers from General Fund, depreciation, etc.	<u>2,035,526</u>

Total Sanitation Fund Revenues
for the Fiscal Year Ending June 30, 1997 \$5,209,664

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, 1997:

Paragraph One - Parking Authority (410641)

For the current expenses and capital outlays and transfers of the PARKING AUTHORITY, a division of the Parking Authority Fund, the sum of two hundred forty-three thousand, seven hundred ninety-eight dollars (\$243,798) is appropriated from the Parking Authority Fund to be apportioned as follows:

(1)	Personal Services	\$67,904
(2)	Other Operating Expenses	99,854
(3)	Capital Outlay	50,000
(4)	Transfers	26,040

SUMMARY

Expenditures and Revenues

Total Parking Authority Fund Appropriations
for the Fiscal Year Ending June 30, 1997. \$243,798

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

Fines and Forfeiture	\$ 9,986
Revenue from use of money and property	70,000
Charges for Services	104,400
Transfers from General Fund	59,412

Total Parking Authority Fund Revenues
for the Fiscal Year Ending June 30, 1997 \$243,798

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, 1997:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of five hundred seven thousand, seven hundred nine dollars (\$507,709) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Personal Services	\$291,594
(2)	Other Operating Expenses	216,115

Paragraph Two - Capital Outlay (672141)

For the capital outlays of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of sixty-three thousand dollars (\$63,000) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Capital Outlays	\$63,000
-----	-----------------	----------

SUMMARY

Expenditures and Revenues

Total Central Garage Fund appropriations for the Fiscal Year Ending June 30, 1997	<u>\$570,709</u>
--	------------------

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

Charges for Services	\$480,001
Transfers	<u>90,708</u>

Total Central Garage Fund Revenue for the Fiscal Year Ending June 30, 1997	<u>\$570,709</u>
---	------------------

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, 1997:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of ninety-three thousand two hundred seventy-two dollars (\$93,272) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)	Personal Services	\$60,147
(2)	Other Operating Expenses	33,145

Paragraph Two - Capital Outlay (772141)

For the capital outlays of the CENTRAL STORES, a division of the Central Garage Fund the sum of two thousand dollars (2,000) is appropriated from the Central Garage Fund.

(1)	Capital Outlays	\$ 2,000
-----	-----------------	----------

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

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1997	<u>\$95,292</u>
--	-----------------

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

Transfers from other Funds	<u>\$95,292</u>
----------------------------	-----------------

Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 1997	<u>\$95,292</u>
---	-----------------

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XII
IN THIS ORDINANCE
FOR THE FISCAL YEAR ENDING JUNE 30, 1997
RECAPITULATION

Section I	General Fund	\$38,479,657
Section II	School Fund	26,949,451
Section III	General Capital Projects Fund	846,320
Section IV	Water Capital Projects Fund	850,000
Section V	Sewer Capital Projects Fund	1,117,000
Section VI	Sanitation Capital Projects Fund	100,000
Section VII	Water Fund	4,155,304
Section VIII	Sewer Fund	5,289,956
Section IX	Public Transportation Fund	2,244,778
Section X	Sanitation Fund	5,209,664

Section XI	Parking Authority Fund	243,798
Section XII	Central Garage Fund	570,709
Section XIII	Central Stores Fund	<u>95,292</u>

TOTAL APPROPRIATIONS	<u>\$86,151,929</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, 1996 and one half on or before June 5, 1997, 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 1996; 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, 1996 and one half on or before June 5, 1997. 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, 1996, and ending June 30, 1997, 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, 1996.

Given under my hand this _____ day of _____, 1996.

MAYOR

CLERK

✓ City Manager Stewart presented a brief report on the adoption of a resolution authorizing the issuance of general obligation public improvement bonds. The funding from these bonds would provide improvements to Neff Avenue Extended and Reservoir Street. These road improvements have been in the City's Capital Improvement Program for the past two years. The proposed funding in the CIP was based on the issuance of general obligation bonds. Transportation was Council's top goal at its 1994 Retreat. Council's plan to meet the City's transportation needs has been a three-pronged approach using a combination of pay-as-you-go, funding through VDOT's six (6) year urban plan and issuance of general obligation bonds. He also noted that there are other road projects contained in the City's five (5) year CIP along with these two projects. In addition, to these two projects under discussion there are in the adopted Capital Improvement Program almost 16 million dollars in needed road improvements that are planned over the next five years. The City should set aside some money to start funding these projects. The City has been very active in participating in the Virginia Department of Transportation's six year urban program. The City currently has in various stages improvement to West Market Street, East Market Street, and the four-laning of Cantrell Avenue. It will probably be another 8-10 years before the City will receive any urban funding through the VDOT six year program. Mr. Stewart explained that in 1994 the City Council adopted a financial management policy to guide the financial management of the City. Several sections in the financial management policies specifically addressed what the City's policy would be in terms of issuing debt. These policies were reviewed by the Finance Department with a bond rating agency. Also, it is important to point out that only long term debt that this Council has issued was the \$6,000,000 issued in 1995 for expansion of the steam plant and that payment of debt service is guaranteed by James Madison University. The last debt to be issued by the City for which the City is responsible for debt service was in May of 1994 for improvements to the Thomas Harrison Middle School and Waterman Elementary School.

Public Works Director Baker explained that these two projects would complete the extension of Neff Avenue to Port Republic Road at Peach Grove Avenue and widen Reservoir Street from Cantrell Avenue to University Boulevard. The work would also include widening the bridge over I-81. He expressed a real need to move a large volume of traffic to and from the area. It would also provide a major relief to the Port Republic Road, Forest Hill Drive, and I-81 interchange. In

looking at the overall major street plan this project would be a vital link to roadway construction needs throughout the City. Mr. Baker said this roadway is needed for today and not the future. The planned improvements on Reservoir Street from Cantrell Avenue intersection to Neff Avenue would widen Reservoir Street to four lanes. The biggest need for this project is to provide an alternate access to and from the CISAT area.

Sam Stoakley, representative from Scott and Springfellow, said that his company has been previously involved in issuing bonds for the City and has closely followed the financial conditions of the City. Should the bond issue be approved, the City net bonded indebtedness would increase from \$38,144,106 in 1995 to \$43,374,853 in 1996. The City would have a gross bonded debt of \$61,640,078 in 1996 compared to \$51,703,790 in 1995. A significant portion of the City's gross bonded debt is actually paid for by enterprise revenue or paid through enterprise revenues by users of various utilities.

Sandra McNinch, representative from Mays and Valentine, said her company will be representing the City as bond counsel. The Code of Virginia requires that before any general obligation bonds are issued that a public hearing be held. The resolution authorizes all the preliminary actions necessary to start the process. At a later date a more detailed bond resolution will be presented. The resolution contains some basic information stating that the City has decided to do some road improvements and will be issuing bonds to finance those road improvements.

8:05 p.m., Mayor Neff closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 29, and May 6, 1996.

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 \$7,330,000, pledging the full faith and credit of the City (the "Bonds"). It is expected that the Bonds will be sold by competitive bidding. The Bonds may be sold at one time or from time to time. The proceeds of the Bonds will be used to finance the costs of public improvements, including the construction and development of roadway, bridge and utility improvements and the acquisition of right-of-way easements.

The public hearing, which may be continued or adjourned, will be held at 7:30 p.m on Tuesday, May 14, 1996, 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 view.

**Steven E. Stewart
City Manager**

Mayor Neff called on anyone present desiring to speak either for or against this adoption of resolution for general obligation public improvement bonds.

Dr. Walter F. Green, III, stated that he supported the road improvements but reiterated his concern about the City's mounting debt. He applauded the City's effort to set aside \$2.5 million for a public safety building, but said if the street is the established priority, then he would have a hard time borrowing money with a \$900,000 interest payment up front. He suggested that the projects could be phased in over two or three years.

Nancy Garber requested that no action be taken on the bonds until after the new Council was seated on July 1, 1996. There being no one else desiring to speak the public hearing was closed at 8:11 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the bond resolution for a first reading. The motion was seconded by Council Member Lantz, and approved with a 3-2 recorded vote with Mayor Neff and Vice-Mayor Dingledine voting no.

City Manager Stewart explained that the Retail Merchants Association is requesting closing the shoulders of Court Square on June 29 for an Arts and Craft show. The street will be closed from 9:00 a.m. until 5:00 p.m. Vice-Mayor Dingledine offered a motion to close a portion of Court Square on June 29. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart explained that the Citizens for Downtown have requested displaying ten flags around Court Square and Main Street from May 15, 1996 to October 31, 1996. These flags will be promoting the revitalization and beautification of downtown Harrisonburg. Council Member Lantz offered a motion to approve this request to display the flags. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Weaver offered a motion granting Rockingham Memorial Hospital/American Cancer Society's request to display a banner across South Main Street within the Central Business District, from May 28, 1996 to June 3, 1996. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart explained that after Council had authorized selling the property on Cantrell Avenue known as Tax Map No. 25-P-5 thru 9 & 11 containing approximately 36,000 square feet that the City had received three bids. The bids included: J.M. Apartments, \$105,000; Richard Chew, \$161,000; and Rockingham Memorial Hospital, \$283,140. Council Member Weaver offered a motion to accept the bid from Rockingham Memorial Hospital in the amount of \$283,140 for a first reading. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from George Barlow with the law firm of Wharton, Aldhizer & Weaver, that involves encroachment of two existing structures on Reservoir Street. City Attorney Thumma has reviewed the request and it does not appear that the encroachment of these structures would create a problem for the City. Mr. Barlow said that in trying to settle the estate it was discovered that a house encroaches into Reservoir Street. In consultation with Mr. Thumma, it was discussed that the best way to remedy this situation would be to ask City Council to adopt an ordinance authorizing the new owner to maintain these encroachments as they exist until the

buildings are destroyed or removed. Vice-Mayor Dingledine offered a motion to approve this ordinance for a first reading as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 16-8-51(b) of the Harrisonburg City Code. He said that this ordinance would amend the City Code concerning drinking in public and possession of open alcoholic beverages in areas open to the general public. The change would add that in addition to City parks, playgrounds, or public streets open alcoholic beverage containers would be prohibited in any area open to the general public including store and restaurant parking lots. Council Member Lantz 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.

City Manager Stewart presented a request for approval of a supplemental appropriation to increase revenue and expenditure budget for the Police Department. He said the Fraternal Order of Eagles has donated \$500.00 to purchase supplies for the K-9 Police dog. Council Member Weaver offered a motion to approve this request for a first reading and that:

\$500.00 chge. to: 1000-31809 Donations

\$500.00 approp. to: 1000-310131-48241 K-9 Police Dog

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 replace budget funds for the Police Department. He said these funds would replace budget funds with money from DMV mini-grant to purchase stop sticks. Vice-Mayor Dingledine offered a motion to approve this request for a first reading and that:

\$1,411.95 chge. to: 1000-32520 Police DMV Grant

\$1,411.95 approp. to: 1000-310131-48151 Motor Vehicles & Equipment

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 add \$20,000 into the Parks and Recreation Department budget. He said these fees were collected during the year and they were not anticipated when the budget was adopted in 1995. Some of the funds will help with the vandalism expenses occurred at the recreation center. Council Member Rogers offered a motion to approve this request for a first reading and that:

\$20,000 chge. to: 1000-31686 Youth Program Fees

\$18,000 approp. to: 1000-710171-43320 Service Contracts

2,000 approp. to: 1000-710471-46130 Recreational Supplies

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

City Manager Stewart presented a request to authorize the Finance Department to create a new City fund. He said that the City of Harrisonburg is self insured for health insurance. The City is required by the Governmental Accounting Standard Board, GASB, statement No. 10 to record an internal service fund for its health insurance transactions. Although this fund was shown in the CAFR as required, the City does not have a fund to record this information on its General Ledger. The new created fund would be entitled Health Insurance Fund. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

Ms. Hortense Caul, 420 Effinger Street, complained about the alley behind her house. She said that she has tried to maintain the alley but since many vehicles use the alley and turn around on her property it has a lot of trash and other litter thrown from these vehicles. Ms. Caul said she could not afford to buy the alley and have it closed. Mayor Neff stated that the City Council serves on behalf of the citizens and if any citizen has a problem it should be brought to the attention of the Council. City Manager Stewart explained that any alley in the City that is used for refuse collection will be maintained by the City. If it is not used for the refuse collection the City does not maintain the alley. Another option is for the citizen to request that the alley be closed and the adjacent property owners would pay their fair share of closing the alley. Also, he said if it is considered to be for the public benefit the City Council on its own volition can initiate the closing of an alley. Following further discussion and comments, City Council requested that the situation of the alley be investigated.

Ken McNulty representing the Harrisonburg Rotary Club requested that another location be found to have their banner displayed advertising the club's 75th anniversary. He said that he had contacted City Planner Sarkar several months ago and thought the request had been approved. He only discovered last week that there was a conflict with other banners being approved for the month of May. He reminded Council that the Rotary Club has provided a lot of community service from the funds raised at their annual Antique Show and Sale. Council Member Lantz offered a motion that an exception be made in this situation and that HEC be contacted to hang the banner in an alternate site with the site to be reviewed by the City Manager. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

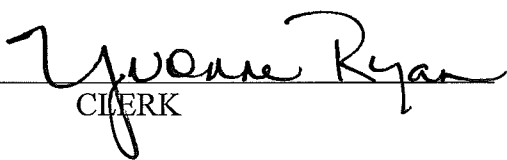
Tanies Rontopoulos, owner of George's Restaurant, requested that City Council reduce the fine for parking on an expired meter in the downtown area. He said the \$5.00 charge has a significant effect on his business. He also requested bringing back the twice a week garbage collection.

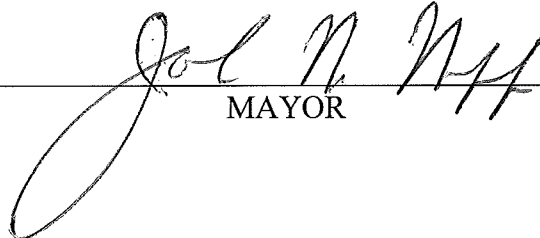
City Manager Stewart suggested the date of June 26th at 3:30 p.m. for the dedication of the new Harrisonburg/Rockingham Human Services building.

At 8:55 p.m., Council Member Rogers offered a motion that council enter an executive session for discussion of 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. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

At 9:56 p.m., the executive session was declared closed and the regular session reconvened. The following statement was read and 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 9:57 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

MAY 28, 1996

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.

Vice-Mayor Dingleline 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, the second reading of a supplemental appropriation for the Parks and Recreation Department and the Police Department for donation toward purchase of K-9 supplies and a DMV mini grant. The motion also included the second reading of an ordinance amending Section 16-8-51(b) of the Harrisonburg City Code and an ordinance allowing encroachment into a City street. The motion was seconded by Council Member Weaver, 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, May 24, and Saturday, May 25, 1996.

**NOTICE OF INTENTION TO SELL
SIX (6) PARCELS OF REAL ESTATE CONTAINING 36,000 SQUARE FEET,
MORE OR LESS, LOCATED ON CANTRELL AVENUE**

**City Council Chambers
Tuesday, May 28, 1996
7:30 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, May 28, 1996 at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to determine if there is any reason not to sell six (6) parcels of unimproved real estate, containing approximately 36,000 square feet, more or less, and being located on the south side of Cantrell Avenue, in the City of Harrisonburg:

Sealed bids having been received by the City Council at its regular meeting, on May 14, 1996, the City Council intends to convey said parcels to the highest bidder.

Copies of the recommendation of the City Planning Commission along with a copy of a plat and more particular description of the parcels to be sold and copies of the bids received are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

Steven E. Stewart
City Manager

City Manager Stewart stated that the public hearing has been advertised twice in the Daily News-Record and that the bids were opened on May 14, 1996. Rockingham Memorial Hospital was the high bidder for \$283,140 and that following the public hearing Council will have the option of approving the sale for a second reading.

Mayor Neff called on anyone present desiring to speak either for or against this application for selling six parcels of real estate.

Jay Litten speaking in favor of the proposed sale for the Emmanuel Episcopal Church read a prepared letter. He said the Emmanuel Episcopal Church has a keen interest in the proposed sale of City property to the Rockingham Memorial Hospital. The property is located immediately across the street from the church. There is no on-street parking in the vicinity of the church, as this was eliminated by the City at the same time the City condemned portions of the church property for the widening of Cantrell Avenue and Main Street. The church's off-street parking on its own property and on the adjoining property it rents from a neighbor is quite insufficient to meet the regular parking needs of parishioners and church guests. For many years we have used the lot owned by the City which is being considered for sale to the Rockingham Memorial Hospital. Recently the church and the hospital (with some assistance by City officials) have reached an understanding whereby the hospital has agreed to make this parking lot available without cost to the church for regular Sunday services, as well as occasional special events. Not only has the hospital committed to make this parking available indefinitely, it has further committed that if the existing parking lot becomes unavailable in the future, the hospital will provide to the church on the same terms the use of the next closest parking area. This parking arrangement between the church and the hospital has been entirely satisfactory. The church has been given every assurance by the hospital that we can continue to rely on the availability of hospital parking for church purposes. Based upon these assurances, Emmanuel Church supports the sale of the City owned parking lot to the Rockingham Memorial Hospital. There being no others desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Vice-Mayor Dingledine offered a motion to approve the sale of the six parcels of real estate. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart stated that at the May 14th meeting Council approved a preliminary resolution authorizing the issuance and sale of general obligation public improvement bonds for road improvement in the amount not to exceed \$7,330,000. This final resolution would authorize the sale of these bonds with a closing date no later than June 28th. Council Member Lantz offered

a motion to approve the bond resolution. The motion was seconded by Council Member Rogers, and approved with a 3-2 recorded vote with Mayor Neff and Vice-Mayor Dingledine voting no.

David Kocka, District Biologist with the Virginia Department of Game and Inland Fisheries, presented a final report from the Deer Task Force. Mr. Kocka said that life would be simple if every deer was a buck, however, females are the key to controlling deer populations. Does breed every year and generally have a set of twins but it is not uncommon to have triplets. A 100 pound deer will require 4-6 pounds of food per day. As a deer herd increases the condition of the deer herd decreases. Deer herds readily adapt to urban environments and actually prefer many ornamental plants around a house. After the Deer Task Force was established in January, 1995 it considered seven issues which included habitat, urban deer in other states and Virginia, deer contraception, deer damage reporting system, herd condition, and opinion survey of residents of the City. The habitat mapping project discovered that the City has 47% of its land which can be classified as good deer habitat. In all the situations that occur in Virginia's urban areas most municipalities have chosen to use some sort of lethal control of the increasing deer population. He discussed some of the controls being used which include legal hunting, out-of-season kill permits, or sharpshooters and said that the task force had studied the use of contraceptives and found that the drugs available are only experimental and costly. He said that the Deer Population Task Force recommends that City Council allow the Department of Game to issue kill permits to landowners for deer that are causing damage. Mr. Kocka said that he believed language within the City ordinance would permit the shooting of deer. The report also said the weapon used must have limited range such as a shotgun, bow or small-caliber rifle and that all deer killed must be checked and biological information gathered from the animal to monitor the condition of the herd. The task force suggested that if the landowner had no use for the deer, perhaps the meat could be donated to Hunters for the Hungry. Following further discussion and comments especially concerning public safety, Council Member Lantz offered a motion to accept the Deer Task Force report in its entirety except for the method of getting rid of the deer and he recommended that the Police Department recommend the safest way of removing the deer. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented a brief report on the proposed Historic District. She said a preliminary application was submitted to determine the eligibility of the district to the Department of Historic Resources after the Committee for Downtown Harrisonburg had requested that City staff coordinate with the department to set-up some basic boundaries for the proposed historic district. An informational meeting was held with the property owners in the designated area, and in March, 1996 an informational letter was mailed to all 78 property owners in the proposed historic district. In addition to the letter, these property owners were supplied with a postage paid postcard to declare either their support or opposition. Of the 78 surveys mailed, 39 were returned - for a response rate of 50%. Of those 39 responses, 28 (or 72% of all respondents) were in favor of historic district designation. Of the 78 surveys mailed, 11 (or 28% of all respondents) were opposed to the designation. She noted that the library was opposed to being included because it could be penalized from receiving federal funds if it was in the historic district. The Department of Historic Resources is still determining whether the City is eligible to continue the application process. If the State Review Board votes to allow the application to proceed, and the City decides to pursue nomination to the National Register, the City would then

be required to conduct a detailed architectural survey of each building included within the proposed boundaries and submit a final application to the Virginia Department of Historic Resources.

David Edwards, representing the Department of Historic Resources, said his department has been involved for thirty years recognizing historic landmarks across Virginia. He noted that the courthouse is listed on the national register as an individual listing, but a collection of buildings is another way of listing on the national register. The Department of Interior defines a historic district as a collection of buildings, sites, or historic objects that are considered architecturally an historically significant in local, state, or national history. The state tries to help communities recognize their historic landmarks by placing these districts on the state register and then nominating them to the National Register. It is an honorary designation of the property with some tax benefits and places no restriction on the property owners within the district. The Harrisonburg Historic District is significant for two themes architecturally and town planning. The courthouse setting is very unique in Virginia and Mr. Edwards noted that there is no other town planned like this in the state. Mr. Edwards said that once the review board indicates a locality is eligible and Council approves the process it could take approximately a year before the final decision.

City Manager Stewart presented a resolution endorsing the Virginia Juvenile Community Crime Control Act Plan. He requested that the Finance Department be authorized to set-up an appropriate fund if the resolution was endorsed. He said that the City and County have been working with the 26th District Juvenile and Domestic Relations Court to develop a plan that addresses the provision of services to juveniles before the court. Brenda Spencer, Court Services Administrator, said the Virginia Juvenile Community Crime Control Act was legislated to provide funding for community based services to juveniles who come before the court. The funding is 100% state money and does not require a local match. Harrisonburg and Rockingham County will receive a total of \$72,064 for each year of each biennium. She noted that after January 1, 1997 the amount will change to \$140,000. The act requires that a plan be established as to what services will be used and also how the money will be spent. The plan submitted to the State Department of Youth and Family Services includes several programs such as sex offender treatment, substance abuse treatment, intensive home-based services, family counseling, and an already established teen group. The plan calls for the two jurisdictions to collaborate under this act, with the City serving as the fiscal agent. Council Member Rogers offered a motion to approve this resolution as presented and to authorize the Finance Department to set-up the appropriate fund. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

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

WHEREAS, on June 1, 1996, Americans from all backgrounds will come together to take a "Stand For Children" at the Lincoln Memorial in Washington, D.C., and renew our community's commitment to improving the quality of our children's lives; and

WHEREAS, on Stand For Children Day and beyond, families, citizens, members of religious congregations, schools, community-based organizations, businesses, and political and cultural groups will join together as a local and national

community to recognize our children's unmet needs and rededicate ourselves to addressing them; and

WHEREAS, caring for our children must be our families', community's, and nation's first priority; and

WHEREAS, this commitment must begin at the local level - where children and families live and work and have the potential to thrive, and where all citizens, working together, can make a difference in our children's lives.

Now, therefore, the City Council of the City of Harrisonburg does hereby resolve that June 1 be proclaimed as

STAND FOR CHILDREN DAY

in Harrisonburg and urge all citizens to support this day through their presence in Washington, D.C., and by dedicating ourselves to the task of improving the quality of life for all our children and leaving no child behind, for all of our children from this day forward.

This the 28th day of May, 1996.

John N. Neff, Mayor

Attest:

City Clerk

City Manager Stewart announced that June 1st is going to be National Stand For Children Day and there will be a major celebration in Washington, D.C. at the Lincoln Memorial with a number of Harrisonburg's citizen attending the celebration. Council Member Rogers offered a motion to approve this resolution. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the United Way for assistance with a new computer system. He said this would be a one-time contribution of up to \$9,000 to purchase both software and hardware for a new computer system.

Emily Purdy, Executive Director of the United Way for Harrisonburg and Rockingham County, said that the United Way is a community resource and not just another charity. The United Way is a financial resource which supports the infrastructure of the City and the overall well-being of its citizens. She said annually over \$800,000 is invested into the infrastructure of the health and human service sector through the United Way funding. The money is critical to maintaining the community as are the tax dollars. Agencies funded by these non-tax dollars serve over 25,000 local residents per year. Twenty-four locally run and governed non-profit agencies receive funding support from the United Way. Also, through the four-year donor choice program, any local health and human service, non-profit agency can receive contributions during the campaign. In fact, approximately 30 local agencies received designations including rescue squads, Gemeinschaft Home, the

Harrisonburg Pregnancy Center, CSB's Summit House, Dayton Learning Center, and many other agencies. The United Way pulls together all collaborative efforts available to develop a vision and work plan for the strengthening of all areas of local health and human service. Through campaign records, the United Way tracks data on over 5,000 area businesses and industry. The current computer system uses a 8 inch floppy disc and is not adequate for today's need. Rockingham County has committed up to \$9,000, 50% of the needed purchase costs, contingent on a match from the City of Harrisonburg, and contingent upon having a staff or board representative on the technology systems selection committee. Council Member Rogers offered a motion to approve a contribution of up to \$9,000 to the United Way and recommended that a knowledgeable City Staff representative be designated to work with the United Way on the technology system selection committee. The motion was seconded by Council Member Weaver, and approved with a four to one vote with Council Member Lantz voting no. Council Member Lantz commented that he has struggled with including charities in the budget more than anything else during the two years he has served on the City Council. He noted that he makes donations to the United Way, but since the City has been in the process of trying to eliminate charities from the budget he suggested that the United Way might take a certain amount from its budget and do something for the organization that would benefit it for a long term like the computer system.

City Manager Stewart presented a request from the Quilt Museum for a two-year extension on their lease which is due to expire June 1, 1997.

Joan Knight presented a fact sheet containing information about the Quilt Museum. She said that over 3000 volunteer hours have been donated to renovate, refurbish and operate the historic building as a museum. The museum has had 1700 visitors from twenty-six states and 10 foreign countries and everyone associated with the museum have been very pleased with the progress. She said it takes a minimum of six months to get publicity included in quilting magazines and other sources and the museum has exhibits planned through the summer of 1997. She announced that the museum will be exhibiting contemporary quilts from the Grand Duchy of Luxembourg from June 6 through August 19, 1996. The Ambassador of Luxembourg will open the exhibit and visitors from Europe are expected throughout the summer. This is the first time the exhibit will be seen outside of Luxembourg. Following further comments, Council Member Lantz offered a motion to approve the request extending the lease with the Quilt Museum until 1999. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented a brief report concerning an alley adjacent to 420 Effinger Street. Mrs. Turner said Mrs. Hortense Caul had contacted her with concerns about the condition and use of the alley located adjacent to her home. The alley has been used as a through travelway by adjoining property owners even though it has never been cleared, graveled, or paved. The City does not maintain alleys that are not used for service delivery purposes. She said that she had discussed with Ms. Caul that she could contact the police department about vehicles encroaching onto her property and that her property could be posted with no trespassing signs. Mrs. Turner said that she also discussed several options with Ms. Caul including closing the alley and purchasing the right-of-way from the City. But, Ms. Caul noted that although she is very concerned about the vehicles turning around on her property she could not afford to purchase the property nor put up a fence. Mrs. Turner also noted that even if Ms. Caul and the surrounding property owners would purchase the alley that it might not eliminate the problem unless the alley

was barricaded. Another option is for Council to initiate closing the alley and not charge for it, but it might be difficult to charge any future landowners who also want an alley closed. The last option is that the City can put up a sign to discourage traffic into the alley, but City Attorney Thumma commented that although a sign was posted to prohibit traffic in the alley it could not be enforced as the alley was plated and dedicated for public use. Following further discussion and comments, Council Member Rogers offered a motion that the City Attorney review this situation and recommend a feasible solution to City Council. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a recommendation that Resource Planners, Inc., be awarded a contract for development of a master plan for the Lineweaver property. The Selection Committee (Lakey Logan, Lee Foerster, Roger Baker and Steve Stewart) interviewed three of the six firms that submitted proposals and have recommended hiring Resource Planners. It is anticipated that the primary use of the Lineweaver property will not be for athletic fields. The City has a real opportunity to develop a good master plan for 145 acres of prime vacant land. The plan should create a blueprint for the City to follow for many years to come. He noted that Resource Planners will bring a lot of extensive experience to this project. The cost of study will be approximately \$21,525 which could be transferred from the Reserve for Contingency account. Council Member Lantz offered a motion to award the contract to Resource Planners. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. Parks and Recreation Director Logan presented a brief updated report on soccer fields in the City. She said in the past the Recreation Department had offered a small soccer instruction program, but did not have a facility this year so it was not offered. A recent survey of school-age children showed the City needs at least two fields, but she said three fields or possibly four playing surfaces would be ideal to allow proper maintenance and reseeding. The study of sites in the City showed that the terrain greatly limits the places where the soccer fields could be placed without costly excavation. Mrs. Logan said the department had looked at a location within the City limits that meets all the criteria needed and would make an ideal location for a soccer complex. The property is a private owned open flat industrial site in the southern part of the City. Mrs. Logan said talks about a potential arrangement are in its earliest stages. She added that the property would have to be rezoned, but it certainly looks like it would put the City in a better position to do something about soccer fields without very much opposition. Council Member Rogers offered a motion that the Parks and Recreation Department proceed with negotiation for a public-private partnership to develop soccer fields. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Vice-Mayor Dingleline offered a motion granting Shenandoah Shakespeare Express's request to display a banner across South Main Street within the Central Business District, from June 3, 1996 to July 15, 1996. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. Mayor Neff suggested that in the future Council might want to set a time limit on how long a banner can be displayed.

Planning and Community Development Director Turner introduced a request to change the standard in the Design and Construction Standards Manual for right-of-way and pavement radius of a cul-de-sac. She said the question was raised when it was being considered to grant two variances to the Design and Construction Standard. When developer Tim Lacey requested

preliminary subdivision plat approval for Westfield Subdivision he had some concerns with meeting the cul-de-sac radius. The current standards require a 55 foot right-of-way and a 50 foot pavement radius for a cul-de-sac. This provides a right-of-way diameter of 110 feet and curb-to-curb diameter of 100 feet. She said after checking with the Public Works Department, the Fire Department, and the Transportation Department it was agreed that a reduction could be made to a 90 foot curb-to-curb diameter which would be a 45 foot radius and for the right-of-way to go to a 50 foot radius which would be a 100 foot diameter. The Planning Commission recommended approval of these changes. Council Member Lantz offered a motion to approve this request. 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 to grant two variances to the Design and Construction Standards Manual. She said that the one variance for the reduction in the cul-de-sac radius should be removed from the request since Council had granted approval as a changed design in the Design and Construction Standards Manual. It does not need to be viewed as a variance. Mrs. Turner said this variance request came up during the preliminary subdivision review for the Westfield Subdivision located on West Market Street. A problem exists with the request because it would reduce the required radius of curvature from 250 feet to 200 feet for the proposed Shenstone Drive. She said Shenstone Drive has the possibility for becoming a through street with a substantial increase in traffic on the road. Recently the radius required by the Design and Construction Standards Manual was reduced from 300 to 250 feet in accordance with VDOT changes. Further reduction to the radius of curvature will be contrary to public safety and it would reduce sight distance around the curve. She said that in the past there have been roads within the City that have been approved. Planning Commission did recommend approval provided that a 15 MPH speed limit be posted around this curve, but the Police Department has informed the commission that even though a sign has been posted a 15 MPH speed limit cannot be enforced. However, even with the concerns that staff had, Planning Commission recommended approval of the subdivision and variances. Council Member Lantz commented that even though Tim Lacey was a first class developer in the City that he had a problem with this variance because of the safety factor. He said as this would be an affordable neighborhood it probably would have a lot of children and it would be hard to justify to the tax payers losing VDOT funds because of granting these variances. As it would set a terrible precedence if this was allowed for any future developers so why should the City grant an exception for this development. Mr. Lacey commented that in the past the radius of the roads have not been a concern and noted that the radius on Suter Street was reduced to 125 feet, because of the lay of the land. Parklawn Drive has a 150 foot radius and the speed limit was not reduced. Myers Estate was created on a 150 radius. So over the past couple of years several subdivisions have been approved with no consideration of the radius. Following further discussions and comments, Council Member Lantz offered a motion to deny the request for the variance to allow a 250 foot radius. The motion was seconded by Council Member Weaver, and was denied with a 3-2 recorded vote with Mayor Neff and Council Member Rogers voting not to deny the request.

Council Member Lantz offered a motion to submit these nominations to the Virginia Municipal League Policy Committee. Stacy Turner to serve on the Community Development and Public Safety Committee, Mike Collins to serve on the Environmental Quality Committee, Steven Stewart and Lester Seal to serve on the Finance Committee, Larry Rogers to serve on the Human Development and Education Committee, Roger Baker to serve on the General Government

Committee, and Reggie Smith to serve on the Transportation Committee. The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration of a first reading ordinances amending and re-enacting Sections 7-1-6, 7-2-2, 7-2-4, 7-2-5, 7-3-4, 7-3-7, 7-3-63, 7-3-66, 7-3-69, 7-4-3, 7-4-22(a)(3)C&D, 7-4-22b, 7-4-23, and ordinances repealing Sections 7-2-7, 7-2-8, 7-4-7 of the Harrisonburg City Code. He said these changes will simply reflect the current practice of the Public Utilities Department. Council Member Rogers offered a motion that these ordinance be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for approval of a supplemental appropriation to transfer money into the Water Capital Projects Fund. This money will be used to complete the funding of the JMU water tank project and others. Council Member Lantz offered a motion for the transfer of these funds to be approved, and that:

\$230,000 chge. to: 2011-31010 Amount from fund balance
 \$230,000 approp. to: 2011-392061-49216 Transfer to capital projects
 \$230,000 chge. to: 1321-34220 Transfer from Water Fund
 \$230,000 approp. to: 1321-910161-48625 JMU Water Tank, etc.

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 budgeted funds to expenditure functions for the Schools. He said these transferred funds will be used to complete the fiscal year and are due to increasing costs in utilities, lightning damage, heating and cooling equipment. Vice-Mayor Dingledine offered a motion for the transfer of these funds to be approved, and that:

\$60,000 chge. to: 1111-40610 Instruction
 \$60,000 approp. to: 1111-40640 Operation and Maintenance

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 to increase revenue and expenditure in the Police Department budget. He said the Police Department has received donations for expenses for the K-9 dog. Council Member Rogers offered a motion to approve this request for a first reading and that:

\$1,379 chge. to: 1000-31809 donations
 \$1,379 approp. to: 1000-310131-48241 K-9 Dog

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 for the Transportation Department. He said revenues have exceeded budgeted amounts due to additional revenues fees for trips and services provided for fees. These Federal funds are needed to meet costs for the remainder of the year. Council Member Lantz offered a motion to approve this request for a first reading and that:

\$60,000 chge. to: 2013-33306 Transit-Operating-Federal
 \$20,000 approp. to: 2013-812081-41010 Salaries & Wages-Reg
 10,000 approp. to: 2013-812081-44200 Central Garage
 25,000 approp. to: 2013-822081-44200 Central Garage
 5,000 approp. to: 2013-842081-43350 Maint. & Repair Auto Equipment

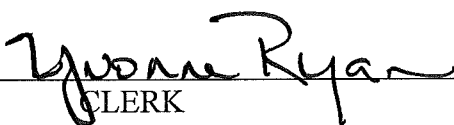
The motion was seconded by Vice-Mayor Dingledine, and approved with a unanimous recorded vote of Council.

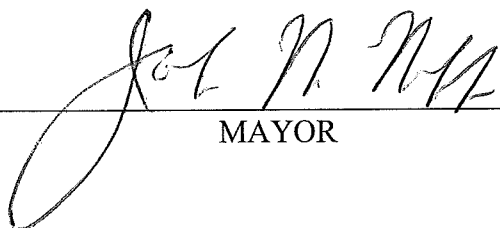
City Manager Stewart announced that there will be a reception on June 8th for the Ambassador of Luxembourg. Both Mayor Neff and Vice-Mayor Dingledine cannot attend the reception. Council Member Rogers volunteered to attend the reception and welcome the Ambassador of Luxembourg.

At 10:45 p.m., Council Member Rogers offered a motion that council enter an executive session for discussion and consultation with the City Attorney pertaining to a proposed franchise agreement, requiring the provision of legal advice by the City Attorney, and consultation with the City Attorney pertaining to probable litigation, exempt from the 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 with a unanimous vote of Council.

At 11:29 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.

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


 CLERK


 MAYOR

REGULAR MEETING

JUNE 11, 1996

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 Malcolm Wilfong. Absent: Chief of Police Donald Harper.

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

Council Member Weaver offered a motion to approve the items on the consent agenda for a second reading including supplemental appropriations for the Police Department, Transportation Department, and a water fund in the Public Utilities Department. The motion also included the second reading of ordinances amending Sections 7-1-6, 7-2-2, 7-2-4, 7-2-5, 7-3-4, 7-3-7, 7-3-63, 7-3-66, 7-3-69, 7-4-3, 7-4-22(a)(3)C&D, 7-4-22b, 7-4-23, and ordinances repealing Sections 7-2-7, 7-2-8, and 7-4-7 of the Harrisonburg City Code. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Council Member Lantz 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 Vice-Mayor Dingledine, and approved with a unanimous vote.

✓ Planning and Community Development Director Turner introduced a request from a property owner to close a 162.5 foot long section of a 12 foot alley which is located adjacent to 520 South Mason Street. This request is being made so the property owner could enlarge the driveway turning area. The Planning Commission considered the request at their meeting and recommended unanimously for approval of the request to close the alley.

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 Saturday, June 1, and Saturday, June 8, 1996.

**NOTICE OF INTENTION TO CLOSE
A PORTION OF A TWELVE FOOT WIDE ALLEY
LOCATED ADJACENT TO 520 SOUTH MASON STREET
IN THE CITY OF HARRISONBURG**

**City Council Chambers, Municipal Building
Tuesday, June 11, 1996
7:30 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, June 11, 1996, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Daniel A. Clements and Catherine Slusher to vacate and close a twelve (12) foot wide alley from South Mason Street to the rear lot line of 520 South Mason Street being 162.50 feet in length, 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 and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 A.M. to 5:00 P.M.

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

CITY OF HARRISONBURG
Steven E. Stewart,
City Manager

Mayor Neff called on anyone present desiring to speak either for or against this alley closing. Cathy Slusher owner of the property at 520 South Mason Street expressed a desire to have the alley closed because she said it is only a grass lot and not used. She explained that the entrance and exit to their driveway was limited and restrictive and at time could be a hazard. By acquiring the alley it could be paved providing a turning spot and making the entry and exit to the driveway safer. Nancy Sweet said that she lives next door to the petitioner and commented that they are excellent neighbors and a tremendous asset and addition to the neighborhood. She requested that the alley closing be considered favorably.

Larry Byvik a resident living at 211 Paul Street stated that he had plans in the future to build a larger garage and workshop in his back yard as well as adding to the rear of his house. He described the alley as not being an unused alley but as a not often used alley. But, he was opposed to closing the alley even though he had only used it six times during the last two years to haul mulch and other things to the back of his fenced lot. He said that he wanted to continue to have access to the back of his lot through the alley because in the future he intends to make an addition to his house. There being no others 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 to appoint a Board of Viewers consisting of Marshall Firebaugh, Ralph Smith and Wilmer C. Byrd, Sr., to review this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Steve Heitz, Attorney for the Harrisonburg Redevelopment and Housing Authority, explained that the HRHA wants to issue a \$20,000,000 Multi-Family Housing Revenue Bond to fund the acquisition and construction of a multi-family project in Prince William County, Virginia. The bonds will not be an obligation of the City or the Harrisonburg Redevelopment Housing Authority nor impact the City's debt limit. Vice-Mayor Dingledine 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.

David Brown a Superintendent with Norfolk Southern Railroad Corporation presented a list of all the railroad crossings in Harrisonburg including their location, current warning device, and the planned date that Norfolk Southern will discontinue flagging. According to a schedule for phasing out flagmen, the first changes were scheduled for tomorrow which Council strongly objected to because they had not been notified before the Council meeting. Mr. Brown said that flagging presents a significant safety concern for both the public as well as the flagmen themselves and by eliminating these flaggings it would also reduce delays at the crossings. Currently, at each crossing in the City the train comes to a complete stop and a flagman disembarks from the train to warn motorists. Harrisonburg is the only City within Virginia where flagging rather than an audible warning device is used to warn motorists and pedestrians of an approaching train. He said once residents of the communities have been notified, Norfolk Southern will begin to discontinue flagging and began using the audible warning devices. Council Member Rogers commented that discontinuing the flagmen could put the citizens of Harrisonburg in real danger because he said that many times especially at night the flagmen do not use a red flag nor a lantern. Mr. Rogers said "I think what you are talking about is the needs of your company and not the needs of our citizens and we are going to get someone killed on our railroad tracks if this is allowed to proceed." Council Member Lantz also wanted to know if the whistle was so effective why was the railroad spending money to install automatic lights at certain intersections. But, Mr. Brown said that placement of automatic lights is up to state and local government and that the railroad only maintains the lights. He also noted that the City has the opportunity to request which crossings are upgraded to include the automatic lights. City Manager Stewart noted that the automatic lights are installed through a grant program which is a combination of 10% of local funding and 90% state funding. Mayor Neff voiced his concern stating that the move will unnecessarily put citizens at risk of serious injury or death if the flagman is eliminated from the railroad crossing. An attorney with the railroad reminded City Council that federal law requires the train to blow its whistle at all crossings warning motorists that a train is approaching and that the law states that motor vehicles are required to yield to trains at these crossings. But, there has been several incidents where pedestrians have actually attempted to get around a stopped train while the crossing is being flagged. The officials also noted that education is really the key to railroad safety. Following a lengthy discussion, Council Members suggested that because of some very strong concerns and an uncomfortable feeling with discontinuing the flagging that this issue be scheduled for discussion at another meeting after the new Council meets in July.

Police Captain Wilfong presented a report containing the implementation of the Deer Task Force recommendations. The first recommendation is that only shotguns, loaded with buckshot ammunition, and bow and arrow be used to harvest the deer. The second recommendation is that a visual inspection of the damage area be made to determine if the deer can be harvested safely; and if it is unsafe, no shooting permit will be issued. The third recommendation would be that only landowners, lessees or their designees (not to exceed three) as listed in writing, be allowed to shoot the deer. The fourth recommendation would be that all person(s) involved in shooting the deer must have met all requirements for a big game hunting license in Virginia and be able to legally possess a firearm. The last recommendation is that those person(s) meeting all the above criteria, be issued a shooting permit by the Police Department for the designated area. Council Member Lantz stated that he had a lot of concerns with these recommendations. He said that the main problem with these proposals were that he did not believe the majority of the members on the task force supported or

agreed with allowing homeowners to get a permit to shoot the deer. Furthermore, when the report was presented to City Council at its last meeting not one single person from the Deer Task Force attended the meeting to answer questions. He also questioned whether the task force was recommending killing the deer because the herd was too large or because deer were causing damage. He pointed out that the survey results were based on responses from people who live in the residential areas with heavy deer population and that only one third of those people mentioned any damage to their property. He also disagreed with the proposed method of killing the deer. If thinning the herd is needed he suggested that the task force appoint four or five individuals to shoot the deer which could be accomplished in no time. Mr. Lantz said that he was an avid hunter and both weapons recommended would cause suffering to the deer if the shot is not perfect. He explained that the only purpose of a bow is to cause bleeding and the last thing the City needs is people shooting bow and arrows and deer running into people's yards and dropping over and dragging themselves along on their front feet. The best method is a nice clean kill that would get rid of the deer immediately. Council Member Lantz offered a motion that Council accept the report except for the method in how to reduce the deer herd and to let the task force look at the possibility of establishing a group of individuals who are experts in this area to eliminate the problem if and when there is a problem. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Mark Callahan, an attorney representing Sheetz, Inc., presented a request for interpretation of a sign ordinance. He said that it was his interpretation that the total canopy was not counted as square footage of signage, only the lettered portion of the canopy was included in the square footage of signage. This proposed sign will also basically be the same sign located at Sheetz at the corner of University and Reservoir Street. Following further discussion and comments, Council Member Rogers offered a motion for a first reading to amend the definition of the sign area to state that it is the entire area composed of the message including all letters, figures, characters, background and trim and delete the portion that talks about being the entire plane that the message sets on. The motion was seconded by Council Member Lantz, and approved with a unanimous recorded vote of Council.

Bonnie Caplinger a citizen from Broadway complained that because of the placement of a pole on Mount Clinton Pike she had been seriously injured in an automotive accident. She said the pole obstructed the view of the stop sign at Liberty Street. She said that the City needed to be more concerned with public safety in all future plans for stop signs and lights. Mayor Neff commented that it is the intent of the City to always focus on public safety and that the City as well as the state are bound by regulations including location of signage and designation for two and four lane highways.

City Manager Stewart presented a request for free summer transit bus service for Harrisonburg school children. He said the free transit bus service would allow City school age children from grades K-12 to be able to go to the Recreation Department, Boys and Girls Club. The destination would not be checked. However, Transportation Director Smith suggested amending that request to include the library or other places and for Council to consider the free transit bus service year around. He said the fares collected are very minimal. Council Member Rogers offered a motion to approve year around free bus transit service for school age children from grades K-12.

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

City Manager Stewart presented a request allowing VRS members to purchase military and/or out of state service for retirement purposes. He said the General Assembly during the last session approved legislation that will allow Virginia Retirement System members who have 25 years of service in the Virginia system to be able to purchase up to 36 months of either military service or service rendered in a retirement plan in another state. If the employee wants to buy this service they will pay 5% of their salary at the time of the purchase. Mr. Stewart explained that this is one of those items that if Council takes no action on or before July 1, 1996, the benefit will be automatically provided. Council Member Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a certified receipt of 1996 Council election results provided by City Registrar Long.

Rodney L. Eagle	1,961	Michael S. Way	1,195
Dr. Walter F. Green, III	1,788	Agnes Massie Weaver	1,048
John H. Byrd, Jr.	1,640	John Q. Adams	426
John H. Elledge, III	1,234	David W. Lee	1
Ben F. Fordney	1,222	Laura F. Lee	1

City Manager Stewart presented a request authorizing the Finance Department to consolidate two City funds. He said the City currently has two Central Stores Funds, one entitled Central Stores Operating Fund and one entitled Central Stores Revolving Fund. These two funds are essentially the same fund and once the two funds are consolidated the transactions will remain the same but be recorded in one fund. Council Member Weaver offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer existing funds to Capital projects for Retro-Fit of Resource Recovery Plant for emission control upgrade and continued closure and monitoring of City landfill. Vice-Mayor Dingledine offered a motion for the transfer of these funds to be approved, and that:

\$50,000 chge. to: 2014-932042-43360 Maint. Repair Building & Grounds
 52,000 chge. to: 2014-972043-48186 Steam Plant
 25,000 chge. to: 2014-972043-48285 Landfill

\$127,000 approp. to: 2014-992042-49216 Transfer Capital Projects

\$127,000 chge. to: 1324-34270 Transfer from Sanitation Fund

\$25,000 approp. to: 1324-910142-48681 Landfill Closure & Monitoring
 102,000 approp. to: 1324-910142-48682 Retro-Fit Steam Plant

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

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Rogers offered a motion to approve this ordinance for a first reading. 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 to cover cost of 1995-96 snow and ice removal. He said expenses for the snow and ice removal were very expensive this year because of the blizzard in January. The City will receive \$73,139 from FEMA to assist with the costs associated with that blizzard. An additional \$71,000 is being requested to cover the balance of the costs for the year for a total of \$144,139. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$73,139 chge. to: 1000-33520 FEMA Reimbursement (Snow)
71,000 chge. to: 1000-31513 Investment Earnings

\$141,139 approp. to: 1000-410541-45870 Snow & Ice Removal
3,000 approp. to: 1000-410541-48111 Machinery & Equipment

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

City Manager Stewart presented a request for a supplemental appropriation to increase the Fire Department budget. He said these funds have been donated to the department throughout the year as well as recovered from hazardous materials responses, training reimbursements, and holding the regional fire school within the City. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$12,206.00 chge. to: 1000-31809 Donations
7.37 chge. to: 1000-31901 Recoveries and rebates
14,798.20 chge. to: 1000-31914 Recovered costs
2,757.19 chge. to: 1000-32502 Department of Emergency Services
488.00 chge. to: 1000-32514 Two for Life

\$29,768.76 approp. to: 1000-320132-41010 Salaries and Wages
488.00 approp. to: 1000-350532-46155 Two for Life

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

Tim Lacey addressed City Council seeking some directions concerning his development of Westfield Subdivision located on West Market Street. He said the variance that he requested two weeks ago was very critical to the development and the safety issues discussed at that meeting were based on the water and sewer moratorium at some point in the future being lifted. He also said it was

his understanding that sometime in the future if the Liskey Farm was developed it would create additional traffic through the radius. He wanted to know if there was a plan for the moratorium and if there was a plan when would it be lifted and what would Council support to encourage affordable housing developments within the City. The loss of the radius means the loss of two lots in the development. Mayor Neff commented that he did not know of any timetable nor did he have a clear answer for Mr. Lacey at this time. Council Member Lantz noted that he had discussed the issue with Mr. Lacey and that it was his understanding if development occurs north of the property then having this type of radius could be a safety hazard. But, he also pointed out that Mr. Lacey knows that it may never happen and that he is being kept from developing these two lots which are critical in developing affordable housing. City Council suggested that Mr. Lacey continue negotiating with City Staff to see if another plan could be presented.

Mayor Neff announced that he had received a letter from the Virginia Local Government Management Association. The letter acknowledged City Manager Stewart's involvement with the association. The letter also expressed the association's appreciation for the contribution of Mr. Stewart in serving as a member of the support task force and mentioned that it is generally grateful for his commitment to the association. The letter also stated that Mr. Stewart had assisted VLGMA in a meaningful way while ably representing the City of Harrisonburg. Council Member Rogers offered a motion that this letter be placed in City Manager Stewart's personnel file. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart noted that the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the City of Harrisonburg by the Government Finance Officers Association of the United States for its comprehensive annual financial report for the fiscal year ended June 30, 1995. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The City owes a special thanks to Lester Seal, Director of Finance, and the City's Finance Department for preparing the award-winning CAFR.

City Manager Stewart announced that the road improvement bonds were sold today June 11, 1996 with an interest rate of 5.81%.

City Manager Stewart announced that the Shenandoah Regional Airport is promoting a major marketing campaign to continue with increased flights started by US Air. They are requesting that each of the five surrounding communities contribute \$20,000 to the campaign. But, Mr. Stewart noted that he had requested additional information about the marketing campaign before he will present it to City Council.

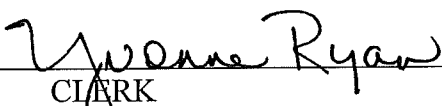
City Manager Stewart said that at the last Council meeting City Attorney Thumma had been given an assignment to review and recommend a feasible solution to the alley situation at 420 Effinger Street. He said according to the City Code Section 6-1-7 entitled "precautions required when street or alley is unsafe for use" that the City Attorney has suggested that this section be used to place some type of barriers on the Effinger Street end of the alley and also at the rear lot line of

Mrs. Caul's property. This would allow the home on Kelly Street to use the alley as a driveway but would block the alley as a through street.

Council Member Rogers commented that it had been a real pleasure to represent the City in hosting the reception for the Ambassador of Luxembourg. He said it is a good feeling to have people from another country comment that Harrisonburg is so clean and well planned.

Mayor Neff announced that a luncheon will be held on June 27 at 12:00 noon at South River Resturant in Waynesboro for Daphyne Thomas as Staunton District representative for VDOT. City Council Members are invited to attend the appreciation luncheon. Mayor Neff also suggested writing a resolution expressing the City's appreciation to Ms. Thomas for her support.

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

 _____ CLERK	 _____ MAYOR
---	--

REGULAR MEETING

JUNE 25, 1996

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 Duane Fairweather. Absent: Chief of Police Donald Harper.

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

Human Resource Director McBride introduced two new City employees: Sam Hottinger and Matt Smith, Planning and Community Development Department.

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 Public Works Department and the Fire Department. The motion also included the second reading of an ordinance amending and re-enacting Section 13-1-3 and an amendment to Section 11-5-2(16) of the Harrisonburg City Code. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ Jim Deskins representing the Committee for Downtown presented a brief report on the proposed downtown Market Place. He noted that the committee plans to present a more detailed report later and thanked each member of City Council for their efforts to revitalize downtown. He discussed the Mission Statement that the committee had approved and adopted in 1994. He said that construction has started at the old Denton building for student housing, 60 units of elderly housing have been completed and occupied, the barrier between the north east section of the City and the downtown dilapidated industrial buildings now houses a joint Social Service facility, and hopefully he said with the location of Blue Ridge Community College satellite campus on Community Street it will extend an opportunity for further education. He said that a proposed community theater is essential to kick start the Market Place project and that the theater should provide an attraction to the downtown Harrisonburg area. The group has been discussing different shows for the theater including a country-western variety show and the possibility of a Shenandoah Valley opera. Federal funds have been committed for the renovation of the old railroad structure but he did not provide a beginning date for this project. He also noted that the authority now owns the Woolworth property and the old Rockingham County Jail. JMU has accomplished the relocation of some of its programs and offices in the downtown area. The university has submitted a request to the state for approval to acquire additional property in the downtown area. Mayor Neff reaffirmed that Council had approved \$15,000 per year for a total of \$45,000 over a three year period for the downtown revitalization. Mayor Neff said that on behalf of Council they have appreciated the committee's pro-active support and especially the leadership of Jim Deskins, Carol Kefalas,

Dick Morin, and Dr. Ronald Carrier. The momentum and focus still needs to continue to revitalize the downtown area. In answer to a question, City Manager Stewart noted that the funds are available for the project but because they were not set up in any specific fund they simply lapsed into the general fund. The funds are recorded as a line item in the budget under non-departmental contributions for the Committee for Downtown Harrisonburg.

Gerald Garber representing the Shenandoah Valley Airport Commission presented a request for marketing funds. He explained that although the airport has done very well with businesses in the valley using large aircraft for their officials on a daily basis it has experienced some problems with the average traveler purchasing a ticket at the airport because of scheduling and pricing. The authority is request \$20,000 apiece from five localities for a one-time \$100,000 marketing campaign that will hopefully boost the number of travelers using the Shenandoah Valley Regional Airport. The airport has already adjusted pricing and scheduling problems and has started to increase flights per day. The Federal Government allocates financial aid for the airport's operation but requires that at least 10,000 travelers per year use the facility to continue receiving the financial aid. Mayor Neff commented that he had received complaints that the reason people did not use the airport was because of the small planes and no restrooms on the planes. However, Mr. Garber said that one Charlotte flight now has a larger aircraft and very soon probably a Pittsburgh flight will use a larger plane. He said success breeds on success and part of that success is that the airlines using the airport understand it is very serious about increasing travelers and mentioned that the new marketing director is working very closely with travel agencies. Council Member Weaver offered a motion to approve the request from the Shenandoah Valley Airport Commission for \$20,000 to be used for a marketing campaign and that the money should be transferred from the joint operating budget with Rockingham County. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. Council Member Weaver commented that she would like to see the airport become more convenient and accessible to the traveling public and more usable to the business community.

City Manager Stewart presented a request from a group requesting to use the 200 block of East Wolfe Street for a block party on July 20 from 6:00 p.m. until 11:00 p.m. He noted that typically in the past due to safety and liability concerns these requests have been denied because the public street is not really the appropriate place for a block party. Charles Harrelson representing the group said that they are calling the non/profit block party "Summer Good Night" and it would be a community service project, however, he did suggest amending the request and having the block party at 100 block Community Street instead of 200 block East Wolfe Street because of less traffic on the street. The block party would include live music, recorded music, public service presentations and would provide an opportunity for a good clean family style fun evening. Following further discussion and comments, Council Member Rogers offered a motion to deny this request. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented an application for fireworks display at Spotswood Country Club on July 4, 1996. He explained that Skyfire Fireworks Displays has completed the appropriate application and they have met all Fire Department requirements. Council Member Weaver offered a motion to approve this request. The motion was seconded by Vice-Mayor Dingleline, and approved with a unanimous vote of Council.

Ruth Deskins representing the Convention and Visitors Bureau presented a request for a Downtown Food Festival on June 21, 1997. She explained that the event would market the downtown area drawing from and building upon the base of attendees at the Shenandoah Valley Bach Festival which would be held during the same time at Eastern Mennonite University. The event will give residents and visitors a chance to familiarize themselves with the taste of many restaurants which now exist in the area, while also giving non-profits organizations an opportunity to have booths at the food feast. The event is titled "Summer Feast on the Square" and hopefully it will draw visitors from outside the area and give people an opportunity to see the results of the downtown revitalization. Council Member Weaver offered a motion to approve this event as presented. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart explained that a public hearing was held on June 11, 1996 to consider closing a 12 foot alley located adjacent to 520 South Mason Street but because one adjacent property owner opposed the closing Council referred it to a Board of Viewers. The Board of Viewers reviewed the request and determined that it would be an inconvenience to some adjacent property owners and recommended against closing the alley. Catherine Slusher, Bonnie Paul and Patrick Sweet reiterated and expressed their concerns and desire to close part of the alley because it would provide a safer environment and play area for children. Council Member Weaver offered a motion to approve this alley closing request for a first reading. The motion was seconded by Vice-Mayor Dingledine and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a final plat request from Rockingham Square at 1751 South High Street. He explained that several years ago Food Lion at Rockingham Square added onto the grocery store. The addition was located within utility easements, however, there was no utility located within the easements. What is happening now is the vacation of this particular easement and the addition of some new utility easements. Planning Commission did recommend approval. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart explained that as a result of a discussion at the last Council meeting concerning having the Deer Task Force create a pool of people that might be used to thin the deer population, Council Member Lantz suggested adding a City Council Member and an additional staff member to the Deer Task Force. Council Member Lantz said that after talking with the chairman of the task force and two other individuals he thought that by placing these two individuals on the task force it would provide better communication and continuity. Council Member Rogers offered a motion to add Council Member Lantz and Assistant City Manager Baker to the Deer Task Force. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Human Resource Director McBride presented several modifications to the Personnel Policy Manual. He explained that these modifications are being recommended by a group of employees currently reviewing personnel/payroll related policies and procedures. These changes provide clarification and corrections to the minor errors existing in the manual. The first significant change would allow probationary employees to use vacation leave during their first six months of

employment. Employees currently have access to all the other benefits from their first day of employment except the ability to use earned vacation leave. Sometimes it has created a hardship for some new employees. The next recommended change would enable fire suppression personnel and school bus drivers to earn the eight hours equivalent of vacation leave when they do not use sick leave for 12 consecutive months. The group also recommended several administrative modifications to the City's appeal and grievance procedure. Mr. McBride said they are also recommending many modifications to various sections of the manual to clarify existing policies and make changes to incorrect terminology. Council Member Rogers offered a motion to approve the modification to the Personnel Policy Manual as presented. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds to the Coroner's budget. He said these transferred funds would eliminate a budget deficit. Council Member Lantz offered a motion for the transfer of these funds to be approved, and that:

\$500 chge. to: 1000-33-231-47050 Payments to Rockingham County

\$500 approp. to: 1000-350331-43110 Medical Services

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

City Manager Stewart presented a request to increase petty cash allowance from \$200.00 to \$300.00 for utility billing. He said because many people pay their utility bills at the Water Operation Center instead of mailing or paying it at the Treasurer's office it is necessary for the center to have enough money in the petty cash drawer to make change. Council Member Weaver offered a motion to approve this request. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Manager Stewart reminded everyone of the dedication service on June 26, 1996 at 3:30 p.m. at the new Human Services Building.

City Manager Stewart reminded everyone of the re-organizational meeting on July 1, 1996 at 10:00 a.m. in the City Council Chamber.

City Manager Stewart presented Mayor Neff, Vice-Mayor Dingledine, and Council Member Weaver with a Certificate of Appreciation on behalf of the City and mentioned that a tree of their choice will be planted in the City's Heritage Forest and Garden.

Mayor Neff expressed his personal thanks to everyone for their devoted time and extra hours of service. He said that he firmly believed that this Council has worked pro-actively on and behalf of the City. He expressed his hopes that the same cooperative and positive effort would continue for the City.

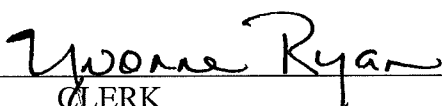
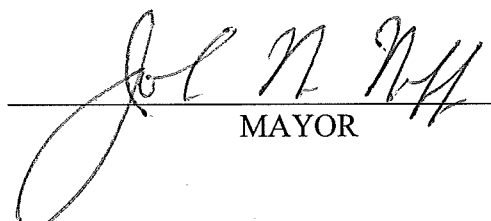
Council Member Lantz stated that he was proud to have the pleasure of working with Mayor Neff, Vice-Mayor Dingledine, and Council Member Weaver during the last two years.

Vice-Mayor Dingledine said that she had been blessed to have the opportunity to serve with a wonderful group.

Council Member Rogers expressed his thanks and said that it had been a great honor working with this group during the last two years.

Council Member Weaver expressed her thanks in working with her elected Council Members but also expressed her pleasure in working with City Manager Stewart, Assistant City Manager Baker, City Attorney Thumma and City Clerk Ryan.

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

 _____ CLERK	 _____ MAYOR
---	--

REORGANIZATION MEETING

MONDAY, JULY 1, 1996

At a reorganization meeting held in the Council Chamber today at 10:00 a.m., there were present: Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Council Members John H. Byrd, Jr., Rodney L. Eagle, Walter F. Green, III, Hugh J. Lantz, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: City Manager Steven E. Stewart.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, required by Section 42 of the City Charter, to be held in the Council Chamber on Monday, July 1, 1996 at 10:00 a.m., to consider the following matters and take necessary action thereon:

1. Call to order.
2. Oath prescribed by Law, Section 42 of the City Charter:
3. Re-organization of City Council:
 - a. Election of MAYOR, 2 year term (Section 7 City Charter).
 - b. Election of VICE-MAYOR, 2 year term (Section 7 City Charter).
 - c. Appoint CITY ATTORNEY, 2 year term (City Code Section 3-2-1).
 - d. Appoint COLLECTOR OF DELINQUENT TAXES, 2 year term (City Code Section 4-1-41).
 - e. Appoint one member of Council to Planning Commission, (City Code Section 10-1-2(c)).
 - f. Appoint one member of Council to Parks and Recreation Commission (City Code Section 9-1-1).
4. Designate regular meeting time and dates (Currently 2nd and 4th Tuesday of each month at 7:30 p.m.)

City Clerk Ryan reported that she was in receipt of Oaths of Office, duly taken by John H. Byrd, Jr., Rodney L. Eagle, and Walter F. Green, III.

Under Item #3 of today's agenda, "Re-organization of City Council, Section a through f, the following actions were taken:

Assistant City Manager Baker entertained a nomination for Mayor of the City of Harrisonburg. Council Member Byrd offered a motion that Mr. Hugh Lantz be appointed as Mayor of the City of Harrisonburg, but Mr. Lantz declined the nomination because of business and family

commitments. Council Member Lantz offered a motion that Mr. Rodney Eagle be appointed as Mayor of the City of Harrisonburg. Council Member Eagle offered a motion that Dr. Walter F. Green, III, be appointed as Mayor of the City of Harrisonburg. Council Member Green withdrew his nomination for Mayor of the City of Harrisonburg and seconded the motion for Council Member Eagle to be appointed as Mayor, and the motion was approved with a 3-2 recorded vote with Council Members Byrd and Rogers voting no.

Mayor Eagle stated that "I hate to start off on a split decision or split vote but that he hoped they could all get together as one team or on the same page."

Council Member Green offered a motion that Mr. Hugh Lantz be appointed to serve as the Vice-Mayor of the City of Harrisonburg. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

Council Member Rogers offered a motion that Mr. Earl Q. Thumma, Jr., be appointed as the City Attorney. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Council was reminded by City Attorney Thumma that the present two year term of the Delinquent Tax Collector, held by City Treasurer Beverly S. Miller, will expire as of December 31st of this year. Council Member Rogers offered a motion Mrs. Beverly Miller be reappointed to serve as Delinquent Tax Collector for the City of Harrisonburg, beginning December 31, 1996 and expiring December 31, 1998. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

Council Member Rogers offered a motion that Mayor Rodney Eagle be appointed to serve as the City Council's representative on the Planning Commission. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

Council Member Rogers offered a motion that Mr. John Byrd, Jr., be appointed to serve as the City Council's representative on the Parks and Recreation Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Council Member Green offered a motion that City Council meet each month on the 2nd and 4th Tuesday of each month at 7:30 p.m. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Attorney Thumma announced that City Manager Stewart could not be present at the meeting because of a medical emergency.

Vice-Mayor Lantz announced that although he has never missed a Council meeting during his two years he will miss the first meeting on July 9, 1996 because of a vacation that has been planned for years.

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

Yvonne Ryan
CLERK

Rodney L. Eagle
MAYOR

REGULAR MEETING

JULY 9, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Vice-Mayor Hugh J. Lantz.

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

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes of the June 25 and July 1 City Council meetings, and the second reading of an ordinance closing a 12-foot alley adjacent to 520 South Mason Street. The motion also included setting a public hearing date of August 13, 1996 to consider Shenandoah Shakespeare Express's request to be exempt from personal property taxation. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

✓ Planning and Community Development Director Turner introduced a request for a special use permit to operate a restaurant, with a dance hall, at 188-A and 188-B Charles Street. She explained that the applicant Catherine Fisher has requested a special use permit to operate a restaurant between the hours of 11:00 a.m. and 9:00 p.m. serving lunch and dinner with a seating capacity of 75 people and a staff of five. Ms. Fisher noted that the back section of the building would be renovated later for a dance hall to serve 150 to 300 patrons. The rest of the building is currently being used as a cabinet making factory and is not a part of the special use permit request. Mrs. Turner said that she had explained to the applicant that the City Code would require a separate dance hall permit issued by City Council. At the public hearing held by the Planning Commission the applicant stated that she was not satisfied with the 9:00 p.m. closing time and requested that it be amended until 1:00 a.m. with the possibility of starting to serve breakfast at 9:00 a.m. The access to the site would be from Charles Street and if the request is approved a defined entrance would be required at the time of site plan approval. Mrs. Turner said that the land use guide recommendation for this area is commercial use although the property does carry an industrial zoning classification and most all of the surrounding uses are industrial in nature. Since the proposed restaurant and dance hall would not have enough required on-site parking spaces the applicant said that customers would be transported from a site three quarters of a mile away in vehicles owned by the business establishment. Mrs. Turner also mentioned that the area proposed for a parking lot is currently a gravel area and is in a dilapidated condition with overgrown weeds and scrubby vegetation all over the place. The parking lot needs to be delineated for parking spaces, landscaped and have adequate lights. At the Planning Commission's public hearing several adjacent property owners spoke in opposition to the request listing many reasons including security concerns, overflow parking, possible vandalism, trash problems and a restaurant in an industrial area. Mrs. Turner said that

Planning Commission voted unanimously to deny the request for a special use permit for both the restaurant and dance hall.

At 7:40 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-record on Monday, June 24, and Monday, July 1, 1996.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, July 9, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

SPECIAL USE PERMITS

2) Request by Nick J. Forkovitch for a special use permit to operate a restaurant, with a dance hall, at 188-A and 188-B Charles Street. The property is described as Block Map Number 41-B-8 & 9, and is zoned M-1 Industrial.

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

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone present desiring to speak either for or against this request for a special use permit. There being no one desiring to speak the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Byrd offered a motion to accept the recommendation of the Planning Commission in denying the request for a special use permit. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council Members present.

Planning and Community Development Director Turner introduced a request to rezone 37,500 square feet located at 677 Chicago Avenue from R-1 Single Family Residential District to B-2 General Business District (Conditional) with additional proffers. She explained that the purpose of the request is to permit the construction of an addition onto the rear of the existing Red Front Supermarket containing a warehouse and loading dock. The applicant has proffered several conditions: There will be no ingress/egress from the property onto Willow Street. A one-foot wide no ingress/egress easement would be provided along Willow Street to achieve this objective.

Another condition is that two rows of evergreen trees will be planted along Willow Street between the property line and the setback lines and along the southern property line to provide a continuous visual barrier as shown on the master plan. A fence, as detailed in the master plan, would be provided along the property border with Chicago Avenue and Second Street. Screening would be provided around all refrigeration condenser units to serve as a sight and sound barrier. A plat vacating all interior lot lines will be submitted and approved by the City, and recorded, prior to the issuance of a building permit. A detention pond will be installed to handle storm water runoff and all work will be completed substantially as showed on the drawings submitted to the City. Mrs. Turner reviewed the history that this property has had with some BZA variances. To meet parking requirements for the supermarket the applicant prepared a revised parking layout which was acceptable. Reconfiguring the lot will increase the number of spaces available to customers and employees, while improving the appearance of the lot. However, she said most speakers at the Planning Commission's public hearing opposed the rezoning because of noise coming from trucks making deliveries at all hours of the night, vehicles using the residential street for access, and drainage problems. Nevertheless, after reviewing all the information, Planning Commission decided that the applicant had taken many measures to try to protect the surrounding residential areas and that the 5,000 square foot addition should not have an undo impact on those surrounding property owners and they did recommend approval of the request.

At 7:50 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 24, and Monday, July 1, 1996.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, July 9, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

REZONING

3) Request by Vern Michael, agent for David R. and Doris Jean Garber, to rezone 37,500 square feet, located at 677 Chicago Avenue and described as Block Map number 39-W-1 through 10, from R-1 Single-Family Residential District to B-2 General Business District (Conditional).

The R-1 Single-Family Residential District is intended for low density, relatively spacious, single-family development and for areas where such development is likely to occur in the future, together with certain governmental, educational, religious, recreational and utility uses subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. The B-2 district is intended for many retail shopping, commercial, automotive, and miscellaneous recreational and service activities and is generally located along major thoroughfares or near development centers. Such uses are not characterized by extensive warehousing,

frequent heavy trucking activity, or the nuisance factors of dust, odor, and noise associated with manufacturing.

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

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Vern Michael representing the owners of Red Front Supermarket presented a changed layout of the upper parking lot. He explained that because of parking problems they had moved the plans for the loading dock farther to the west allowing a better delivery area for the trucks. They designed the addition to get the tractor trailers off the road and address many concerns expressed by the residents of the surrounding neighborhoods. The owners of the supermarket have tried to make the area better for both the community and for Red Front. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

Planning and Community Development Director Turner introduced a request for a special use permit for a contractor equipment sales and storage yard, and processing and assembly operations for sheet metal and/or cabinets, with conditions. She said that the site is at 911 Chicago Avenue at the corner of Chicago Avenue and Greystone Street. The contractor equipment sales and storage yard that is currently at this site belonging to Blauch Brothers is presently in nonconforming use in the B-2 General Business zoning district. The site size is 2.15 acres and there are currently three buildings on the site: a warehouse and sheetmetal shop; a warehouse and office; and a warehouse and cabinet assembly building. There is also a proposed building of approximately 5,600 square feet which would be for the sheet metal assembly. She said access to the property is via Chicago Avenue and Greystone Street and the site plan submitted met the requirements contained in the City's zoning ordinance for parking. This property is recommended in the land use guide of the Comprehensive Plan for commercial land uses. Because the applicant has requested something that is not quite as historically compatible with the B-2 zoning classification as the commercial type uses she reviewed certain conditions that would be imposed upon the applicant if the permit is granted. These conditions included defining the parking area, building a chain link fence with a hardy vegetative cover, no ingress/egress from the property onto Park Lane, and providing a one foot wide no ingress/egress easement along Park Lane to achieve this objective. In addition entrances along Greystone Street shall be defined with either fencing or green spaces containing hardy shrubs

or other suitable vegetation and submitting a site plan containing all these conditions to the City for review and approval. At the Planning Commission's public hearing the applicants said that they were not planning to have any entrances from Park Lane, however, they did not want to have an ingress/egress easement along that parkway bounty. They said that they would be doing some landscaping at the front of the bounty to define entrances onto the site. They did indicate that they did feel that the fencing along this property line was necessary. Nobody from the adjacent property owners spoke in opposition to the request. After further review, Planning Commission recommended approval with the following conditions. The first would be that the applicants define the parking area by parking blocks which will serve to designate individual spaces. The second condition is that a chain link fence that is presently there will remain and will be tied into the northeastern portion of the new building and that additional fencing will be required only if there is additional outdoor storage of equipment or supplies in the future. The third condition was that entrances along Greystone Street will be defined with either fencing or green space containing hardy shrubs or other suitable vegetation. The fourth is that a site plan meeting the above conditions and other applicable ordinances be submitted to the City for review and approval. Mrs. Turner said that the Planning Commission did recommend approval of this request for a special use permit.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, July 9, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

SPECIAL USE PERMITS

1) Request by Richard Blackwell, agent for James W. Jr. & Dana Blauch and Craig M. and Lois B. Miller, for a special use permit for a contractor equipment sales and storage yard, as well as processing and assembly operations for sheet metal and/or cabinets. The property is located at 911 Chicago Avenue (Block Map Number 38-F-1,2,3 and 38-F-29 through 33) and is zoned B-2 General Business.

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

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone present desiring to speak either for or against this request for a special use permit.

Dick Blackwell spoke in favor of the request for Blauch Brothers, Inc. He said this property was in the County and was annexed into the City. The business has been in existence since 1961, but it does need to be modernized. Presently, the existing empty lot used for storage will be cleaned up and cleared. With the proposed new building there will be no storage on that empty lot. The owners have agreed that all the materials will be kept in the fenced in area and it will have a screen on the front of it. He recommended that the request be approved. There being no others desiring to be heard, the public hearing was closed at 8:12 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request for a special use permit as presented. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart presented a request to accept the delinquent tax collection report as of June 30, 1996 and to authorize the City Treasurer to advertise delinquent real estate taxes for 1993-1994 and 1994-1995. Council Member Rogers offered a motion to authorize the City Treasurer to advertise delinquent real estate taxes. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a letter from David Brown with Norfolk Southern Railroad Corporation proposing that a meeting be scheduled between July 22 and July 31 to continue discussions about flagging railroad crossings. Council Member Green requested that information from the Police Department, Fire Department, Rescue Squad, and the Harrisonburg Transportation Safety Commission regarding the safety aspects of railroad crossings should be received before scheduling a meeting with the railroad. He expressed concern about eliminating flagmen from these railroad crossings especially at the public schools and said that the City should have a plan to present to the railroad on certain safety devices. Mayor Eagle suggested that this item be tabled until the requested information can be received from various City departments, including users of the railroad and businesses with an interest in the railroad.

Council Member Green said that he had asked the City Manager to clarify some language that was in the draft of the preliminary resolution presented to the City Council in May, 1996. He said that the bond attorney had stated that the resolution needed to be approved by a two-thirds vote and not the majority of the members and the mistake needed to be clarified to the public. City Manager Stewart explained that a mistake was made in the wording in the draft but it was made in the certificate attached to the resolution that the City Clerk signs and files with the Clerk of the Court. The certificate indicates who was present at the meeting and how each member voted. The original draft certificate did have a two-thirds majority vote required, however, prior to the City Clerk signing the certificate an attorney for Mays and Valentine made the correction. Mr. Stewart noted that Council Members had a copy of the resolution and the certificate showing that it was simply a majority requirement. He also said when the City Clerk filed the certificate with the Clerk of the Court both the preliminary resolution and the final resolution did contain the correct information.

Council Member Rogers proposed that Council have a retreat with a group facilitator as soon as possible to set goals and objectives. The purpose for the retreat would be to discuss some very major issue confronting Council during the next two years. Mayor Eagle said that he did not like

the word retreat since he said "I am a Marine". But, he suggested that Council have a work session or meeting away from the Municipal Building and recommended two possible sites the Rockingham Public Library or the Harrisonburg Electric Commission. Council Member Green objected to a weekend work session particularly one out of town and even using a facilitator and also recommended that the work session be held on a Tuesday night. Council Member Rogers offered a motion that the City Manager arrange a work session on a Tuesday night for the City Council to discuss goals and objectives without using a facilitator. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

City Manager Stewart announced that an open house will be held for the public on July 24 from 4:00 p.m. to 6:00 p.m. at the new Harrisonburg/Rockingham Human Services building.

City Manager Stewart announced that a summer street paving program will begin on July 17. He said a complete list will be provided to each Council Member, but noted that paving will be done in the downtown area on July 29 and 30.

At 8:32 p.m., there being no further business and on motion adopted the meeting was adjourned.

 CLERK

 MAYOR

REGULAR MEETING

JULY 23, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

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

Human Resource Director McBride introduced eight new City employees: Kevin Grogg, Roger Ford, Mark Hensley, James Custer, Roderick Northrop, Public Works Department; Terry Christian, Public Utilities Department; Paul Malabad, Data Processing; and John Murphy, Police Department.

Council Member Byrd 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.

Planning and Community Development Director Turner introduced a request for approval of Final Subdivision Plat, Ridgewood Oaks, Section Two. She explained that the property which is on the eastern side of Port Republic Road is approximately 1,023 feet north from the intersection of Port Republic Road and Devon Lane and consists of approximately 13.1 acres. It is a request for a final plat for a subdivision of R-4 land to be divided into two lots. Lot one is currently in the process of being developed while lot two is vacant. The subject site is in the Port Road/North Planning Sector as described in the Comprehensive Plan. The land use guide recommends this area for Medium Density Residential use, which includes a variety of housing types. She said the front of the property is currently being developed into a shopping center to include small shops with the rear of the lot being developed according to a master plan reviewed by Planning Commission in December, 1994 for residential units. The owner and developer have already subdivided some lots for single-family and in the future would provide a buffer in the event they develop the rest of the property for multi-family residential. They have made all the necessary corrections regarding easements and she said that Planning Commission has recommended approval of the request. Vice-Mayor Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion granting United Way of Harrisonburg and Rockingham County request to display a banner across South Main Street within the Central Business District, from September 3 to September 30, 1996. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Attorney Thumma presented a resolution for consideration to approve issuing revenue bonds on behalf of the Industrial Development Authority. He explained that the Industrial Development Authority held a public hearing on July 19, 1996 to consider a request from Sunnyside Presbyterian Home to assist in issuing bonds up to two million dollars for some improvements and expansions at the facility. The authority approved the request and passed the resolution. However, since the authority issues its revenue bonds on behalf of the City of Harrisonburg the City Council has to pass a resolution supporting the issuance of these bonds. The bonds will create no financial obligation for the City nor will it impact the City's debt limit. Following further discussion, Council Member Green offered a motion to approve the resolution as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

Council Member Rogers offered a motion to approve the cancellation of the October 22 and December 24 Council meetings and to move the December 10 meeting to December 17. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the City Treasurer to charge-off delinquent business licenses for 1995. He explained that although Mrs. Miller said that her department has exhausted all means of collection she will continue to try to collect these delinquent business licenses. Council Member Green offered a motion to approve this request contingent upon the Treasurers' Office trying to collect from the delinquent businesses. The motion was seconded by Council Member Rogers, and approved with a 3-2 recorded vote with Council Member Byrd and Vice-Mayor Lantz voting no.

City Manager Stewart presented a request for approval of a supplemental appropriation to adjust the 1996-97 school budget because they have received unanticipated receipts from state programs. This will bring the City and school budgets into alignment. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$98,748 chge. to: 1111-32442 School Revenue - State
(25,304) chge. to: 1111-33301 School Revenue - Federal

\$27,515 approp. to: 1111-40610 Instruction
46,685 approp. to: 1111-40640 Operations and Maintenance
32 approp. to: 1111-40650 Food Service/Non Instruction
(789) approp. to: 1111-40670 Debt Service

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

Police Chief Harper presented an updated report on railroad crossings. He explained that railroad crossings near school and feed mills were considered the top safety concern mentioned after he had met with several City departments to discuss the potential effects of the loss of flagmen at these crossings. He said that a flag person would be very helpful to keep kids safe at crossings close to the schools. Another concern discussed was that although trains activate the cross-arm signals at some feed mills people seem impatient and go around the arm and possibly a flagman would have better control over the situation. The group also discussed the length of trains and scheduling.

Public Works Director Baker commented that the cost of automated signals is approximately \$100,000 per signal but that figure does not include associated costs for improving the site area. Also, the City has annual maintenance fees that it pays the railroad company. Mr. Baker said that the City received grant money for improvements at crossings on Reservoir Street, Rock Street at Noll Drive, and for the Maryland Avenue crossing closest to Main Street. The City has applied for planned improvements on West Market Street, Elizabeth Street, Gay Street, Paul Street, and Wolfe Street but will compete state wide for the grant money.

City Manager Stewart suggested August 20 for City Council to have a work session to discuss goals and objectives and requested that everyone check their calendars and get in touch with him before he arranged a location or developed an agenda.

Council Member Green suggested that the City should have uniformity in the posted speed limits on the City streets especially on Neff Avenue, University Boulevard and Reservoir Street because many people do not know if it is 25 mph or 35 mph. He also said a catastrophe was just waiting to happen on Port Republic Road and before James Madison University is back in session he suggested that somebody, whether it is a state expert or someone else, review and study the situation. Police Chief Harper and Public Works Director Baker noted that they have discussed these issues and will continue to discuss because of the safety concerns. Mayor Eagle suggested that perhaps they could discuss this issue at the upcoming work session. City Manager Stewart commented that they have scheduled a meeting in August with some of JMU's staff members to discuss many issues of interests and concerns. Council Member Byrd requested that a report be presented to Council after the meeting at JMU.

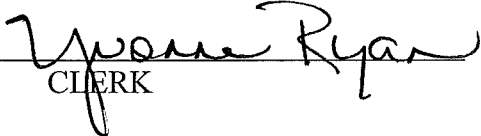
At 8:16 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Central Shenandoah Planning District Commission, Advisory Board for Jail Facility, City/County Liaison Committee, Private Industry Council, United Way Needs Assessment Team, School Liaison Committee, LINC Committee, Greener Harrisonburg Liaison, Community Criminal Justice Board and Rockingham Development Corporation Board, 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 Byrd, and approved with a unanimous vote of Council.

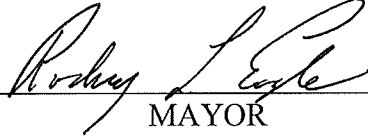
At 8:40 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open 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 Green offered a motion for the following Council Members to be appointed to these Boards and Commissions: John Byrd as Council's Liaison to Greener Harrisonburg and the United Way Needs Assessment Team; Larry Rogers to the Community Criminal Justice Board, Advisory Board for the Jail Facility, Private Industry Council and City/County Liaison Committee,

and Hugh Lantz to the City/County Liaison Committee and for a two-year term on the Rockingham Development Corporation; Rodney Eagle to a term on the Central Shenandoah Planning District Commission to expire on June 30, 1999, to the Advisory Board for the Jail Facility and the LINC Committee; and Walter F. Green, III to the School Liaison Committee. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 8:45 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

AUGUST 13, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Vice-Mayor Lantz delivered the invocation and the Boy Scout Troop #42 from Harrisonburg Baptist Church led everyone in the Pledge of Allegiance.

Council Member Green offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for school fund receipts from state programs. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:35 p.m., Mayor Eagle 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, August 6, 1996.

**CITY OF HARRISONBURG
NOTICE OF PUBLIC HEARING**

Please take notice that on August 13, 1996 at 7:30 p.m. in the City Council Chamber, 345 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, concerning a request by Shenandoah Shakespeare Express, a non-profit cultural organization, for exemption from local taxation. The assessed value of all property owned by Shenandoah Shakespeare Express in the City of Harrisonburg for the year 1995 was \$47,700.00 and the taxes paid the City for the year 1995 was \$954.00. Public comments on the proposed exemption--which would be granted by the Virginia General Assembly--are invited and all citizens shall have an opportunity to be heard. Further information is available from the City Manager's office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

**Steven E. Stewart
City Manager**

Mayor Eagle called on anyone to speak either for or against this tax exempt request. Paul Menzer, Development Director of Shenandoah Shakespeare Express, explained that Shenandoah Shakespeare Express is a non-profit organization requesting to be exempt from local

taxation. The organization pays approximately \$800.00 per year in personal property taxes on three vehicles. He said funding comes from performances at colleges, schools, individual donations, state and federal grants. The organization employs 29 actors and seven staff members. City Manager Stewart noted that there are only six non-profit organizations existing in the City which have tax exempt status including Blue Ridge Legal Services, Friendship Industries, The Harrisonburg Rockingham Association for Retarded Children, Mercy House, Heritage Haven, and Shenandoah Shared Hospital Services. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened.

Bruce Forbes expressed concern with the many residential and commercial properties that he said are being removed from the tax roll by James Madison University and the Harrisonburg Redevelopment and Housing Authority creating a tax burden on the citizens of Harrisonburg. He also complained about the development of a new 300 bed off-campus housing facility to be leased for James Madison University students because he said the site is not in accordance with existing zoning regulation. The property is commercially zoned which does not permit student housing. He said that he was the low bidder for this project but was not awarded the contract. He also commented that any hotels used for student housing will cause the City to lose more of the tax base. Mr. Forbes noted that he has invested a lot of the money in the City of Harrisonburg.

Steve Weaver, President of the Harrisonburg/Rockingham United Way, presented the following resolution to the City Council.

RESOLUTION OF APPRECIATION

WHEREAS, The United Way of Harrisonburg & Rockingham County invests over \$850,000 in non-tax dollars into the community infra-structure each year in the support of health and human services rendered by 24 local non-profit agencies which receive substantial support through the United Way; and

WHEREAS, The United Way of Harrisonburg & Rockingham County, through these agencies, serves over 25,000 area citizens each year which contributes to the overall stability of our community; and

WHEREAS, The United Way of Harrisonburg & Rockingham County is actively involved in the Harrisonburg/Rockingham Community Health and Human Service Planning Council which is conducting a community wide health assessment and developing a "Healthy Community 2000" plan; and runs the only human service information and referral service in the community; and

WHEREAS, The City of Harrisonburg has seen the value and cost effectiveness of the United Way of Harrisonburg & Rockingham County's programs; and

WHEREAS, The City of Harrisonburg agreed to give the United Way of Harrisonburg & Rockingham County a one time grant of \$9,000 for the purchase of computer hardware and

cutting-edge software to more effectively carry out the programs and initiatives of the United Way.

NOW, THEREFORE, be it resolved that the United Way of Harrisonburg & Rockingham County is in grateful appreciation to the City of Harrisonburg for its support of our organization through this financial contribution, and the overall support that the City gives to the United Way of Harrisonburg & Rockingham County, Inc. in an on-going manner.

Presented the 13th day of August, 1996

By: M. Steven Weaver,

President, United Way of Harrisonburg & Rockingham County, Inc.

Emily A. Purdy,

Executive Director, United Way of Harrisonburg & Rockingham County, Inc.

Mr. Weaver stated that this resolution was in appreciation for the City's contribution of \$9,000 to help in the purchase of computer hardware and software for the United Way. He also noted that the campaign goal for this year is \$900,000 and announced that City Manager Stewart has served as a past campaign chairman of the United Way giving a great degree of time and effort in these campaigns. Emily Purdy, Executive Director of the United Way, introduced Dr. Cole Welter of JMU's Art Department. She said Mr. Cole and a graphic design artist, Professor Cole-Zielanski, who is nationally and internationally recognized, has designed and created a very artistic floral design for the mural wall on Cantrell Avenue. The wall has deteriorated since they painted it through the efforts of United Way in 1988. Volunteers from the H/R Chamber Community Volunteer, the JMU Art Department and the Harrisonburg Public Works Departments plan to paint the wall on Wednesday, September 25 which is the United Way Day of Caring. Mr. Cole presented a drawing of the wall design.

Dr. Suzanne Hubbard, District Supervisor for the Central Shenandoah Health District, reported on the health department dental clinic services. She said that the community has an excellent dental program and quite a lot of children have been treated through this dental program. Because these children cannot get transportation to the facility, a dental trailer consisting of one dentist and one dental assistant travels to the schools. She presented pictures of children who have received dental service. She explained that most dentists in the area will not accept Medicaid patients because it does not cover the overhead so this is an extremely valuable program to these children. Being able to take the dental trailer to the schools provides an efficient way to deliver dental care to these children. Nevertheless, because the agency has experienced a downsizing in recent years with loss of state funding it is asking each locality participating in the program to help by picking up the dental program entirely. Currently the City supports this program by paying \$12,190 and they are requesting an additional \$34,003. The formula used for the dental service is based on the total spread of the free lunch population and the actual dental visits. Each locality pays a different rate.

Steve Heitz, Attorney for the Harrisonburg Redevelopment and Housing Authority, explained that the HRHA wants to issue Multi-Family Housing Revenue Bonds to finance a multi-family residential project in the City of Manassas, Virginia. The bonds will not be an obligation of the City or the Harrisonburg Redevelopment Housing Authority nor impact the City's debt limit. Council Member Rogers offered a motion to approve the resolution as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Bill Blessing, Chairman of the Harrisonburg Transportation Safety Commission, presented the commission's recommendations and suggestions regarding the elimination of flagmen at certain railroad crossings in the City by Norfolk Southern. He said the commission met with a regional trainmaster listened to some proposals and reviewed some sites. Mr. Blessing reviewed the recommendations and suggestions by the Harrisonburg Transportation Safety Commission including the proposal of Norfolk Southern to phase out the use of flagmen at many railroad crossings in the City. The commission recommended that the City Public Works Department should undertake removal or trimming of trees and brush at some crossings where trees and brush are not on railroad property, but are on City property. Train movements at all crossings where flagging is to be discontinued should be reduced to 5 mph for 60 days after they discontinue the flagmen and then increased to 10 mph. Improvements should be made by Norfolk Southern to the bridge over Water Street to accommodate all traffic, including large trucks, buses, and especially emergency vehicles. A request should be made to the Virginia Department of Rail and Public Transportation to expedite approval of its pending applications for FY 1997 funding to ensure that at least five more crossings could be upgraded to automatic protection within two years. Norfolk Southern should make available an educational safety railroad crossing program to Keister School and Harrisonburg High School. The commission suggested that representatives of the City Council, DMV, and TSC should support and attend an educational program. Mr. Blessing said if the City Council approves these recommendations the City in cooperation with Norfolk Southern should develop and carry out a public awareness campaign in Harrisonburg and the surrounding area to inform the public of these changes. Public Works Director Baker said that the City has 32 railroad crossings with six currently having automatic gates and signals which are not flagged. There were ten crossings determined by the railroad company and safety commission that should continue to be flagged since they are in the downtown area and are blocked by buildings having limited sight distance. Mr. Baker noted that the crossing at Smithland Road is currently maximum rail line speed of 25 mph because it is outside the yard limit but the safety commission has recommended that a maximum speed of 10 mph should be the policy.

City Manager Stewart presented information on construction of Southside Heights Subdivision - Phase 2. He said this project requires that County sewerage pass through City owned sanitary sewer mains before entering the HRRSA Belle Meade Interceptor. The subdivision is in Rockingham County but because of an agreement reached in 1982 between the City, County and the Sewer Authority the sewer from this development will pass through City owned sanitary sewer mains before going into the authority owned Belle Meade Interceptor.

Public Works Director Baker announced that DLB, Inc., was the low bidder at \$613,369.55 for the replacement of Gay Street Bridge over Blacks Run and replacement of adjoining sanitary sewer line from Gay Street to Rock Street parallel to Blacks Run. Public Utilities Director Collins

said that this project was originally budgeted as a minor utility relocation but because of some odor and deteriorated pipe under some buildings in the area they have changed the project date. He said that the City follows a 22-year plan based on a 1989 study by Wiley and Wilson costing approximately \$7,000,000 of interceptor replacements but they have shifted some priorities of these projects because of the time factor. Council Member Rogers offered a motion to award this contract to DLB, Inc. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Fire Chief Shifflett presented for Council's consideration of a first reading an ordinance enacting Article B of Chapter 2, Title 5 of the Harrisonburg City Code. He explained that prior to April 1, 1996, the Virginia Emissions Standards for open burning prohibited this type of burning for anyone having curbside pick-up. Nevertheless, new regulations allow this type of burning and also lifts fire department controls and permitting process for burning of debris from land clearing operations. He said this ordinance is a model ordinance from the State Air Pollution Control Board, which restores authority locally to restrict burning in areas where curbside pick-up is available, and restores the fire department permit process for land clearing operations. Vice-Mayor Lantz offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for approval of a supplemental appropriation and to transfer existing funds from the Sewer Fund into Capital Projects Fund to fund the sewer portion of the project for Gay Street. Council Member Green offered a motion to approve this request for a first reading, and that:

\$40,000 chge. to: 2012-472061-48118 Mains & Appurtenances
 \$40,000 approp. to: 2012-492061-49216 Transfer to Capital Projects
 \$40,000 chge. to: 1322-34230 Transfer from Sewer Fund
 \$40,000 approp. to: 1322-911161-48641 Blacks Run Interceptor
 \$242,000 chge. to: 2012-31010 Amount from Fund Balance
 \$242,000 approp. to: 2012-492061-49216 Transfer to Capital Projects
 \$242,000 chge. to: 1322-34230 Transfer from Sewer Fund
 \$242,000 approp. to: 1322-911161-49641 Blacks Run Interceptor

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

City Manager Stewart presented a request for approval of a supplemental appropriation of several encumbrances that were outstanding at June 30, 1996. These outstanding encumbrances for purchase orders were issued for goods and services ordered but not received prior to June 30, 1996. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$57,768.00 chge. to: 2013-31010 Amount from fund balance
 58,671.40 chge. to: 2014-31010 Amount from fund balance
 75,431.60 chge. to: 2015-31010 Amount from fund balance
 \$14,445.00 approp. to: 2013-872081-48181 Building and grounds
 43,323.00 approp. to: 2013-872091-48254 School buses
 57,768.00 Sub-total

1,694.25	approp. to: 2014-912242-43330 Main & repair - Machinery & equip.
55,454.15	approp. to: 2014-932042-43865 Rockingham-City share of landfill
1,523.00	approp. to: 2014-952042-43330 Main & repair - Machinery & equip.
58,671.40	Sub-total
70,171.60	approp. to: 2015-410641-48184 Improvements
5,260.00	approp. to: 2015-410641-48240 Engineering study
75,431.60	Sub-total
191,871.00	Total

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

Council Member Green mentioned that he had received some inquiries and had been asked a lot of questions concerning the cost of repaving Main Street and East Market Street. He questioned whether the City was saving any money on this project by doing the milling work this way. Public Works Director Baker explained that he did not have the exact cost figures available but they approached the project this way because of the special milling machine being used. The volume of milling that is being done at one time reduces the cost. The resurfacing cost is approximately \$400,000 of which most of this cost is putting the asphalt down. Because of delays and funding problems in previous years some major streets that are connected including the entire downtown will be resurfaced this year. They conduct an analysis each year to determine the streets that have the most need. Delaying any longer would cost the City more money. Mr. Baker said it is the most efficient and cost-effective way to resurface the streets. Council Member Green also questioned why City Council was told in 1990 and 1994 that the resurfacing on the streets would last for 20 years. He questioned if the City was getting what it was paying for on this street resurfacing. Mr. Baker said that he thought the City was getting its money worth, but there have been some changes in the asphalt industry during the last seven years. The type of asphalt available on the market in 1990 and 1994 was too rich and fine which created a washboard and rutting effect particularly on the downgrades. The City went to a harder mix but because it was so harsh after several years of heat and freeze-thaw it started cracking. Mr. Baker said that the mix being used now should not create the problems the City has experienced in the past. He said 25% of the milling material removed from the street surface is put back into the mix. Also, because the contractor had an excessive amount of material the City has kept approximately 2,000 tons of it to use to rebuild shoulders or to use in drainage ditches that have erosion problems.

City Manager Stewart announced that the Quilt Museum will celebrate its first anniversary on August 25 from 1:00 p.m. to 4:00 p.m., and Council's invitations are in the mail to the reception.

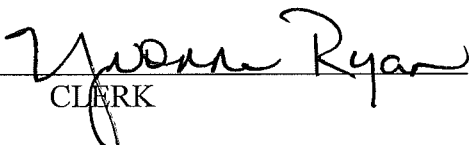
City Manager Stewart announced that there was a potential conflict with City Council's work session on August 20 so it will probably be rescheduled in September.


Vice-Mayor Lantz explained that for three years he had told his family that he was working for the City on every second and fourth Tuesday of the month so he introduced his wife Nancy, daughter Crystal, and son Jason.

At 9:20 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 Executive Committee of the Downtown Committee, a Liaison to the Social Services Advisory Board, Central Shenandoah Emergency Medical Services Council, Harrisonburg redevelopment and Housing Authority, Harrisonburg Parking Authority, Building Code Board of Appeals, Harrisonburg Planning Commission, Harrisonburg Electric Commission, and the Harrisonburg Parks and Recreations Commission, 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 and use of real property to be used for a public purpose, namely recreation, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (3) of the Code of Virginia. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:45 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public 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 10:46 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

AUGUST 27, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Byrd delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Human Resource Director McBride introduced seven new City employees: Johan Earman, Denise Hisey, Hal Reeder, Ralph Harman, Public Transportation Department; Jerry Stone, Rodney Shrader, Public Works Department; and Mark Royer, Police Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation and transfer of funding for the Sewer Fund and re-appropriation of several outstanding encumbrances at June 30, 1996. The motion also included the second reading of an ordinance to prohibit the open burning of brush, leaves, etc., within the City limits. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

City Manager Stewart explained that the health department had presented a request at the last City Council meeting to fully fund the dental program because of reductions in state funding. He said that the dental program for children in Harrisonburg and Rockingham County is an unmandated service that the City has been providing in the community. For the program to continue the health department indicated that the City would need to pick up the dental program entirely which means that the City's share would be an additional \$34,003. Currently the City pays \$12,190 to support this program. He suggested two conditions including that any appropriation from the City for the dental program not be used to replace any lost funding from any of the other jurisdictions in the district other than Harrisonburg and Rockingham County and that it be conditioned on favorable approval by Rockingham County. He noted that Harrisonburg is only one member of the health district area and that any approved additional funding would be transferred from funds in the reserve fund. Vice-Mayor Lantz offered to approve this request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote.

City Manager Stewart explained that a public hearing was held at the last Council meeting to consider a request by Shenandoah Shakespeare Express to be exempt from local taxation. He reviewed the six nonprofit organizations existing in the City which have tax exempt status and mentioned that City Council denied the last request by Christian Light Publications. Vice-Mayor

Lantz offered a motion to deny this request for tax exempt status. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart explained that Dr. Cole Welter of JMU's Art Department presented a design for the mural wall on Cantrell Avenue at the last Council meeting and that the United Way is requesting permission to proceed with the project. The City's Public Works department is prepared to assist in the project. Council Member Rogers offered a motion to approve this project. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to amend Section 11-5-4 of the Harrisonburg City Code. This section of the City Code is in the sign ordinance and relates to the regulation of signs for nonresidential uses in the R-4 zoning classification. The property is located at 810 Port Republic Road and owned by Neighbors of Virginia which is currently developing it for a convenience store/gas station, several take out food vendors and offices. It is zoned R-4 "Planned Unit Residential District" which consists of 25 continuous acres intended to permit the development of planned residential neighborhoods promoting a variety of residential and permitted nonresidential buildings including single family uses, multiple family uses, child and adult day care centers, and nonresidential uses designed for the convenience of the adjoining residents. Within the zoning ordinance these nonresidential uses are described as uses such 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 use exceeds two thousand square feet of gross leasable area. Under the current sign regulations, these nonresidential uses are permitted to have an aggregate of 24 square feet of signage per use. Any individual sign is limited to no more than six feet in height. There is also a restriction that no use can have more than two signs and each use can have its own free standing sign as one of its two permitted uses. Mrs. Turner also noted that the 24 square foot limitation was not something that went into effect in April of 1996 when the sign regulations were removed from the zoning ordinance. It has been in the ordinance since 1987. The requested amendment seeks to change several aspects of these current regulations: the total aggregate signage allowed for one designated "primary user" is requested to be increased from 24 square feet to 65 square feet, the maximum free standing sign size for this "primary user" is requested to be increased from 24 square feet to 50 square feet, the maximum sign height for this "primary user" is requested to be increased from 6 feet to 10 feet, and a proposed limit in the number of free standing signs per parcel proposed to be set at three (this number is currently limited to one per use, regardless of the number of uses). Under the proposal, free standing signs other than the primary user's would still be limited to 24 square feet in area and 6 feet in height. Any changes that would be made to the R-4 regulation relating to signage would affect not only this subject site located on Port Republic Road but other sites that are zoned R-4 in the City as well. She also said the staff's recommendation is that the revision not be adopted. In response to a question from Council Member Green, Mrs. Turner said that Neighbors of Virginia did not submit their signs as part of the site development plan. If the developer knows where the signs will be and the size at the time a site development plan is turned in then it is requested that it be part of the site development plan. The sign regulations have been in effect for 10 years so nothing has changed on the City's part and the applicant would have known this. The appeal system was changed in April 1996 when the sign ordinance was taken out of the zoning ordinance.

Roger Williams an attorney representing Neighbors of Virginia stated that he wanted to clarify several things. He said they wrote the amendment to only apply to a designated commercial tract in an R-4 district where there would be multi users on that single tract. It does not apply by its terms to any other commercial use in an R-4 should one be developed. It might be the first ever actual development for a commercial use of a site in an R-4 district. The text of the amendment is not just a request to create more flexibility but it offers and would impose for the first time a new restriction. He noted that the text of the proposed amendment would reflect some informal compromise and an attempt to strike a balance between the admitted competing interests. He pointed out that each use could have its own free standing sign. The amendment suggests putting a maximum limit of no more than three free standing signs no matter how many uses are on a tract and only one of those free standing signs would have the flexibility that they are seeking for the primary user to be designated by the owner. The text of the amendment came out of many discussions with City staff. They are attempting in this amendment to be as respectful as possible of the residential users that occupy an R-4 residential district. This amendment would not change the protection that R-4 limits you to no more than 10% of the acreage in that district.

John Hopkin, owner of Neighbors of Virginia, explained that he has owned the property for a year and knew that it was zoned R-4. When they reviewed the site plan, they did not discuss signage. He said that the only sign available and manufactured by Citgo is a 50 square foot sign. They have manufactured it for places like Williamsburg and Virginia Beach and this is his only choice or no sign at all. He said that he has tried to beautify the property and provide water control by spending money on the building. Following further discussion and comments, Council Member Rogers offered a motion to deny this request amending the City Code. The motion was seconded by Council Member Byrd, and approved with a 4-1 recorded vote with Council Member Green voting no.

✓ Planning and Community Development Director Turner introduced a request for approval of Final Subdivision Plat for Beery Farms, Inc. She explained that the final plat request is to subdivide a 60.762 acre tract into three lots consisting of 4.215 acres, 3.584 acres, 3.243 areas with a residual parcel of 49.721 acres. It will create smaller lots more suitably for development. The property is zoned M-1 General Industrial District with lot one being proposed to be used for a contractor's office and storage facility. They have not determined future uses on lots two & three. Part of the site is in the FEMA 100 year flood plain and any development in this area must meet requirements contained in the City's Floodplain Zoning Ordinance. They have met all necessary zoning requirements and Planning Commission has recommended approval of this request. Vice-Mayor Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Rogers and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner introduced a request for approval of Final Subdivision Plat for Alan L. and Ann M. Cerveney. She explained that the property containing 25,148 square feet located at 1160 Star Crest Drive is at the intersection of Star Crest Drive and Broadview Drive. The request is to subdivide one residential lot into two lots, to create an additional lot for future sale. The property is zoned R-1 Single Family Residential and both proposed lots meet the requirements of the R-1 zoning classification. The proposed property normally would qualify under the minor subdivision process, however, because it is subject to drainage problems during heavy rains it was an issue that needed to come before Planning Commission and City Council. Mrs. Turner said that section 10-2-46 of the subdivision ordinance

does provide "The right to disapprove any subdivision which is inadequately drained or subject to periodic flooding" and that any future owners of the property needed to be made aware of the drainage concerns and problems. At the July Planning Commission's meeting members had significant questions and an adjacent property owner spoke opposing the request because it would cause more severe drainage problems to his property. Dan Rublee, City Engineer, reported at the August Planning Commission's meeting that a problem did exist because of the City's storm sewers backing up during heavy rains. There is a 115-acre water shed that drains into the storm drainage system but because there is so much water trying to get through that system it is unable to adequately carry the flow away. Planning Commission considered all the information and did recommend approval of the subdivision. Mrs. Turner said the plat does note that the property is subject to periodic flooding.

Alan Cerveney, owner of the property commented that he was not interested in doing anything that would jeopardize his property or any of the neighbors. He said that when he first considered this option they discussed it with several people regarding the impact on building a home on the property and what would it do to his property and the surrounding neighborhood. They informed him with proper planning that it would not add to the current problems and he noted that flooding problems exist because the City does not have an adequate storm sewer system. Following further discussion and comments, Council Member Rogers offered a motion to deny this request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council. Vice-Mayor Lantz suggested that Mr. Cerveney and City staff continue to discuss this issue and hopefully consider some other options that either the City or Mr. Cerveney could consider.

Planning and Community Development Director Turner introduced a request for approval of a Final Subdivision Plat for Lot 1 & 2, Section 3, Wheatley Subdivision. She explained that this is a request to subdivide property on South Main Street between South Gate Court and Boxwood Court into two lots. Both lots are zoned B-2 General Business District and meet all zoning requirements. They have posted a bond to assure a provision of public utilities to these lots and Planning Commission has recommended approval of the request. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request for approval for a subdivision for Henry L. Whitelow. The property located at 410 Effinger Street involves a variance request. In the subdivision ordinance it does state that the lot size, width, depth, shape and orientation will be appropriate for the location of the subdivision and the type of development and use contemplated. In addition, it states those lot dimensions shall conform to the requirements of Chapter 3 of this title exempt except where the requirements of these regulations provide for larger lots areas in dimensions these regulations shall apply. However, because Planning Commission can waive any provisions of the subdivision ordinance it did recommend a waiver as to the lot size. The purpose of this request is to divide this 10,401 square foot lot into two lots. The current required minimum lot area in an R-2 district is 7,000 square feet for single-family and 5,500 square feet per unit for a duplex. On July 26, 1973, City Council heard the request, which was approved by a unanimous vote, however, they never recorded the plat showing the subdivision. Therefore, they never divided the property into two lots but it was shown on the tax map as two lots. She said Planning Commission did recommend approval of the variance with a stipulation that the lots would

only be used as a single-family lot. Council Member Byrd 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.

Planning and Community Development Director Turner presented a brief report on the planning meeting with James Madison University. She said that City staff and JMU periodically have a meeting to discuss items of mutual interest and concern. Discussion included the increased number of students on and off campus, housing at Howard Johnson Motel, Dentons and the Court Square Buildings, and the lease facility at Hunters Ridge. In relation to public safety concerns at those locations and on campus they discussed the problems with false fire alarms. JMU reported to the Fire Department that they have some ideas on how to handle these problems with measures that might be more effective than in the past. They also discussed the crossing at Anthony Seeger School on South Main Street. JMU has long-range plans to eliminate classes in this building. JMU did commit to have a staff member work with City staff for possible improvements at the site. In addition, they discussed concern from citizens concerning the Hillside Avenue and Orchard Lane parking area. JMU will provide educational material concerning trash collection regulations and recycling programs to students at the beginning of the school year.

City Manager Stewart presented a proclamation establishing September as Constitution Month. JMU has requested Council approve this proclamation to be read at its government day ceremonies on September 13 to honor the Constitution and President James Madison. JMU will have various activities throughout the month of September. Vice-Mayor Lantz offered a motion to approve this proclamation. 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 for School Resource Officer Grant. He said this grant will place money in the Police Department's budget for a School Resource Officer to cover personnel, benefits, equipment, and training. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$26,666.00 chge. to: 1000-33505 School Resource Officer Grant

\$17,428.25 chge. to: 1000-310131-41010 Salary/Wage Regular

1,232.25 chge. to: 1000-310131-42010 FICA

1,871.25 chge. to: 1000-310131-42020 Retirement

3,162.75 chge. to: 1000-310131-42050 Hospital Insurance

346.50 chge. to: 1000-310131-42110 Worker's Comp.

1,875.00 chge. to: 1000-310131-48111 Machinery & Equipment

750.00 chge. to: 1000-310131-45530 Training/Travel

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

City Manager Stewart presented a request for approval of a supplement appropriation to enhance drug enforcement. He said this Federal grant will place money in the Police Department's budget to enhance drug enforcement for personnel and equipment. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$31,457.00 chge. to: 1000-33501 Enhancing Drug Enforcement Grant

\$17,802.70 approp. to: 1000-310131-41010 Salary/Wages Regular
 5,092.13 approp. to: 1000-310131-41020 Salary/Wages Overtime
 1,243.50 approp. to: 1000-310131-42010 FICA
 1,888.92 approp. to: 1000-310131-42020 Retirement
 3,257.49 approp. to: 1000-310131-42050 Hospital Insurance
 357.26 approp. to: 1000-310131-42110 Worker's Comp.
 840.00 approp. to: 1000-310131-48111 Machinery & Equipment
 975.00 approp. to: 1000-310131-48131 Radio Equipment

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

City Manager Stewart presented a request for approval of a supplemental appropriation for Community Crime Prevention Services. He said this Federal grant will place money in the Police Department's budget for community crime prevention services for training materials and supplies. Council Member Green offered a motion to approve this request for a first reading, and that:

\$1,125.00 chge. to: 1000-33503 Community Crime Prevention

\$1,125.00 approp. to: 1000-310131-46140 Other Operating Supplies

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 for Community Policing. He said this Federal grant will place money in the Police Department's budget for community policing for personnel and equipment. Council Member Green offered a motion to approve this request for a first reading, and that:

\$27,206.00 chge. to: 1000-32460 Community Policing Grant

\$17,291.00 approp. to: 1000-310131-41010 Salary/Wages Regular
 1,637.25 approp. to: 1000-310131-41020 Salary/Wages Overtime
 1,232.25 approp. to: 1000-310131-42010 FICA
 1,871.25 approp. to: 1000-310131-42020 Retirement
 3,162.75 approp. to: 1000-310131-42050 Hospital Insurance
 346.50 approp. to: 1000-310131-42110 Worker's Comp.
 1,665.50 approp. to: 1000-310131-48131 Radio Equipment.

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 of several encumbrances that were outstanding at June 30, 1996. These outstanding encumbrances for purchase orders were issued for goods and services ordered but not received prior to June 30, 1996. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$468,858.62 chge. to: 1000-31010 Amount from fund balance

\$ 3,600.00 approp. to: 1000-110111-48101 Publications
 84,712.83 approp. to: 1000-310131-48111 Machinery and equipment
 125,000.00 approp. to: 1000-320132-48265 Fire truck and equipment
 11,578.00 approp. to: 1000-410541-48111 Machinery and equipment
 11,302.10 approp. to: 1000-410741-46070 Repair and maintenance supplies
 22,920.00 approp. to: 1000-410741-48111 Machinery and equipment
 4,850.00 approp. to: 1000-430221-43360 Maintenance and repairs-Bldgs. & Gnds.
 21,525.00 approp. to: 1000-710171-43100 Professional services
 3,450.00 approp. to: 1000-710171-43320 Service contracts
 3,185.40 approp. to: 1000-710171-46132 Ed/rec supplies - Athletics
 985.29 approp. to: 1000-710471-46140 Other operating supplies
 175,750.00 approp. to: 1000-710771-48184 Improvements

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

City Manager Stewart presented a request for supplemental appropriation to transfer money into the Water and Sewer funds. This money will be used to close out water and sewer construction payments associated with Garbers Church Road construction projects. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$3,805.28 chge. to: 2011-3101 Amount from fund balance

\$3,805.28 approp. to: 2011-392061-49216 Transfer to capital projects

\$3,805.28 chge. to: 1321-34220 Transfer from water fund

\$3,805.28 approp. to: 1321-910161-48624 Garbers Church Road water

\$6,098.98 chge. to: 2012-31010 Amount from balance

\$6,098.98 approp. to: 2012-492061-49216 Transfer to capital projects

\$6,098.98 chge. to: 1322-34230 Transfer from sewer fund

\$6,098.98 approp. to: 1322-911161-48644 Garbers Church Road sewer

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

City Manager Stewart announced that the City/County Liaison Committee will meet Tuesday, September 3 at 4:30 p.m. at the County Administration Building. Representatives from the City include City Manager Stewart, Vice-Mayor Lantz and Council Member Rogers.

At 9:09 p.m., Council Member Green offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Central Shenandoah Emergency Medical Services Council, Liaison to the Social Services

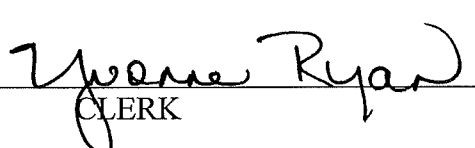
Advisory Board, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority, Building Code Board of Appeals, Harrisonburg Planning Commission, Harrisonburg Electric Commission, and the Harrisonburg Parks and Recreation Commission, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition and use of real property to be used for a public purposes, exempt from public meeting requirements pursuant to Section 2.1-344 (A) (3) of the Code of Virginia. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

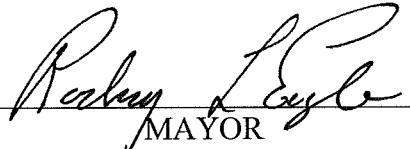
At 11:43 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from 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 Green offered a motion authorizing Parks and Recreation Director Logan to proceed with temporary soccer fields on the level area at the Lineweaver Park property. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that John H. Byrd, Jr., 211 West View Street, be appointed as a Liaison to the Social Services Advisory Board. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:45 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

SEPTEMBER 10, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Green delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for Community Policing, Community Crime Prevention Services, Enhancing Drug Enforcement, School Resource Officer Grant, and a supplemental appropriation for Water and Sewer Funds. The motion also included the second reading of a re-appropriation of several outstanding encumbrances at June 30, 1996. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request for a special use permit for business and professional offices at 950 Acorn Drive. She said the purpose of the request is to operate a real estate brokerage/management office within a property primarily being used for mini-storage. The office would be located in the same building which will also house the office used for conducting business for the mini-storage facility. A portion of the building will be used for office area with the remaining portion of the building being used for mini-storage. The subject property located within the North Liberty/West planning sector is identified in the comprehensive plan as an area which should be consider for an industrial park. She said that the property is zoned M-1 General Industrial. Mrs. Turner said that allowing a business or professional office in this area could set a precedent for the future and she noted that it is one of the last industrial areas within the City. However, Planning Commission did recommend it for approval with two conditions, one being that the office should be used only as a real estate brokerage/management office and the second condition is that the parking lot should be landscaped with trees and low height shrubs. A landscape plan should be submitted for approval by the City Planner.

At 7:40 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 26, and Tuesday, September 3, 1996.

**NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS**

The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 10, 1996, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following request:

Request by David W. Lee, agent for Acorn Mini Storage, Inc. for a special use permit to allow business and professional offices at 950 Acorn Drive. The proposed use includes real estate brokerage/management and related offices. The property is described as Block Map number 56-B-6 and is zoned M-1 General Industrial District.

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

All persons interested will have an opportunity to express their views at 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**

Mayor Eagle called on anyone present desiring to speak either for or against this special use permit. David Lee of Lee and Associates said that he was requesting a special use permit to locate his real estate office on the same site as Acorn Mini-Storage. Mr. Lee stated that his company specialized in the sale, leasing and management of commercial, industrial and residential real estate properties. He said his office generates very little traffic because generally the customers are met at the property site. He also noted that his office would be very similar to the other businesses already existing in the area.

Chuck Rodamer owner of Rodamers Landscaping said that David Lee's business would not affect the industrial park and should be a valuable asset to the community and industrial park. 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 Green offered a motion to approve the recommendation of the Planning Commission as stated. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

Ruth Deskins representing the Harrisonburg-Rockingham Convention and Visitors Bureau introduced Dr. Robert Kolvoord, Director of CISAT Media Lab at JMU, Christine Letsky, Multi-Media Development Specialist, and Marie Kras, Project Coordinator, who presented a CD-ROM program on tourism featuring a high tech way of promoting the area to positioning it into becoming the premier designation in the Shenandoah Valley. Dr. Kolvoord said that it would be a challenge to everyone to maintain and promote the history and heritage of the Shenandoah Valley into a more technical 21st century. He and his staff presented a program entitled The Virtual Valley which included many attractions of Harrisonburg and the Shenandoah Valley featuring museums, caverns and parks. He suggested several ideas for the future might include focusing on economic development, Internet and the world wide web to make Harrisonburg more attractive to high tech

industry. Mrs. Deskins noted that this program should help position the community as a leader in the future. The Harrisonburg-Rockingham Convention and Visitors Bureau has been operating since 1987 and is responsible through its leadership for guiding a collective community wide effort to attract and serve the visitors that come to Harrisonburg and Rockingham County.

Frank Wiseman, Chairman of the Deer Task Force, presented its recommendations regarding the deer population in the City. He said the Deer Task Force has been meeting for a year to study the over-population of the deer herd, the best way to control it, and halting damage caused by the animals in the City. With the deer in the City of Harrisonburg reaching biological carrying capacity and reaching or exceeding the cultural carrying capacity for some of the residents, especially those with lands in agricultural production, it is the recommendation of the Deer Population Task Force that the City Council take some action to allow for the control of the deer herd. After looking at all the issues relating to deer biology this appears to be a prudent step because of a deer's reproductive potential and the lack of any significant mortality to control population growth at this time. It was agreed upon by the members of the Deer Population Task Force that VDGIF Official Kill Permits are the best option for controlling deer where damage is occurring. Therefore, it is the recommendation of the Deer Task Force that the City Council enact the following policy:

VDGIF designees shall issue kill permits to landowners or a designee whose land has been registered with the Commissioner of Revenue under the special "Land Use Tax" that will allow shooting of deer that are causing verifiable damage on his or her land. The VDGIF will designate the number of deer to be taken on a permit. The permit will be limited to does unless there is clear and convincing evidence that a buck is causing the damage. The weapon used must have limited range, therefore, the only permissible guns are 12-gauge shotguns and 22-magnums. All deer that are killed by permit must be reported by way of a check card. Biological information should be collected (weight, sex, age, etc.) from all the deer so that the condition of the herd can be monitored over time. Landowners who do not wish to make use of the deer should be encouraged to donate them to the Hunters for the Hungry so the meat can be distributed to needy families in the community. It is the opinion of the City Attorney that such a policy will not require changes to the City ordinance. The existing ordinance has wording which allows for individuals to protect their property. A re-evaluation of the situation by the current Deer Population Task Force is suggested in one year to determine if this form of control is accomplishing the objectives or if further action needs to be taken.

If a policy similar to this is not enacted, the City can expect ever increasing levels of residential and agricultural damage by deer, vehicle accidents involving deer (especially as roads such as Garber's Church Road are upgraded) and the potential for a deer die-off in the future (caused by lack of food or disease). A priority of the Deer Task Force over the next year is to implement a public education program concerning ways to minimize deer damage and how to cope with the deer population in the City of Harrisonburg. Mr. Wiseman introduced John Sellers, Charles Morrison, and Richard Tysinger, several members of the Deer Task Force who were present at the meeting. Roger Baker, Assistant City Manager, presented a map highlighting 64 parcels in the City that fall under the special land use tax and mentioned that most of the property is in the outlying areas of the City. To be eligible for the special land-use tax, a property owner must have at least five contiguous

acres of land and it must be in either agriculture, horticulture, forest or open space. City-owned land is not included in the policy.

John Sellers a member of the task force stated that he was the first person to build a house on Circle Drive in the City and for four years he did not see any deer but during the last six years the deer population has exploded. He conducted an opinion survey in his area and according to it several people indicated that they were completely fed up with the deer and some neighbors stated that although they enjoyed the deer they were concerned about the carrying capacity of the deer. He said that as a member of the task force he fully supports the recommendations that the committee has provided. He also suggested trying the recommendations of the task force for a year and see what happens.

Jerry Riggs said that he lives on Chestnut Drive and that a deer had ruined his swimming pool cover. It cost \$650.00 to replace it and he said if another deer gets in my pool, I will take care of it myself if the City does not take care of it. He also added that we have talked long enough about this deer problem and now it is time to take some action.

Dawn Monger strongly urged City Council not to allow under any circumstances to make it legal to discharge a firearm in the City. She said that she was very concerned about the children playing in the woods, parks, and following the numerous trails in the area. She emphasized we cannot risk our children's lives because the deer are eating our flowers. Mayor Eagle noted that Mrs. Monger had presented a petition containing 124 names of people concerned about shooting the deer.

Chuck Rodamer said that although he does live in the County he pays taxes in the City and was concerned with un-educated people using guns in the City. He also said he did not realize the task force had conducted so much research and they have done a fantastic job. But, he suggested that only a shotgun should be used to harvest the deer.

James Monger said he did not think game commission damage stamps are the correct way to eliminate the deer. He said he feeds the deer in the winter and there should be some control on how to issue the permits. No matter what you do there will still be deer in the City.

Richard Tysinger said that he has lived on Garbers Church Road for 18 years and used to hunt on his property. But, several years ago someone poached a white deer and all hunting was stopped. He also noted that the deer population on Garbers Church Road is not as bad as it has been in the past. He said as long as the City has parks there will always be deer. He noted that the original deer herd was stocked on the Lineweaver property in 1940's.

Charles Morrison stated that he had conducted a study with David Kocka and noted that trapping the deer would be very costly. It is estimated that it would cost \$400 per deer because of the trapping, moving and relocating. Some people feed the deer by providing salt blocks and he noted that if a deer has a parasite it can effect all the deer.

Tim Lacey commented that he thought the recommendations of the report needed to be more restrictive. If people can hunt and spotlight deer at 2:00 a.m. there is no way to enforce what kind of gun they will be using. The City should establish a certain time the deer can be killed. A state license states that the time is from sun-up to sun-down.

Helen Hanson said that she was a deer lover and noted there is already poaching going on at Hillandale Park. If it is not controlled more dangerous things will happen. She said the deer population is down and questioned the need to do this at this time. Vice-Mayor Lantz commented that Harrisonburg was not the only City to experience this problem but most of the surrounding cities allow anybody to use any kind of gun to shoot the deer on their property. He also said that he has been very vocal about some of the recommendations to eliminate the deer because of the safety

concerns of discharging a gun in the City of Harrisonburg. Dr. Green stated that he could agree with everyone who have spoken but that he has witnessed some terrible hunting accidents in the emergency room. There is a real deer problem in the City but he did not believe it cost \$400 to trap and move a deer. Council Member Byrd commented that he was concerned about putting too much arithmetic into any problem. The whole purpose of the safety factor is because we do not want just anybody shooting a gun on a small piece of property or a City street. Following further discussions and comments Vice-Mayor Lantz offered a motion to accept the recommendation of the Deer Task Force allowing VDGIF to issue kill permits to landowners whose land has been registered with the Commissioner of Revenue under the special "Land Use Tax." The motion also included that only a 12-gauge shotgun can be used to kill the deer and that the Deer Task Force should continue to study the situation and obtain information about trapping the deer. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Brenda Spencer, Court Service Unit Supervisor, presented a resolution endorsing and revising the Virginia Juvenile Community Crime and Control Act Plan. She said the Virginia Juvenile Community Crime Control Act was passed by the General Assembly in 1995. It was developed to ensure that sanctions and services to deter crime and reduce the pattern of repeat offenders before the court. There are no local funds required. All funding will come from the Commonwealth. In May, the original plan was presented and approved by the Harrisonburg City Council and also Rockingham County Board of Supervisors. The County and the City have agreed to collaborate under this plan, with Harrisonburg serving as the fiscal agent. The amount each locality will receive has been increased and she reviewed the revised figures. Council Member Rogers offered a motion to approve this resolution as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented an updated report on the drainage situation at 1160 Star Crest Drive. She presented pictures of the flooding that occurs on the property. She said that Dan Rublee, City Engineer, continues to maintain his opinion that development of the property directly behind the Cerveny's house would probably not increase the flooding potential for other residents of the area. It is a hydrologic and hydraulics situation and that the water is seeking a certain level before it is able to push itself through the storm drain. It may create some ponds but it should not create any more severe problems for the other surrounding properties. She said after the heavy rain last Friday from Hurricane Fran, Mr. Cerveny telephoned the department to state that he was again having flooding problems. But, a lot of people called the office because of flooding problems because the City's storm system could not handle the run-off. A study conducted by Mattern & Craig in 1988 contains a sentence in the report that states that the house at the corner of Broadview and Star Crest cannot be economically protected from storms greater than the 25-year design frequency. She reviewed the three recommended alternatives and cost estimates provided in the report. Mrs. Turner said that although this is a very severe problem and especially for Mr. Cervney it is not an uncommon problem throughout the City.

Alan Cerveny commented that he again had flooding on his property because of the heavy rain. He reiterated that the problem exists because the City does not have an adequate storm sewer system. There is a drain in the center of the back yard that is connected directly to the storm sewer and because of the heavy rain the water pours out of the drain into his backyard. He also requested that the City continue to study the situation and hopefully come up with a satisfactory solution to allow

him to sell his property with the confidence that he will not impact another future home owner. Following further discussion and comments, Mayor Eagle stated that Council, Planning and Community Development Director Turner and City Engineer Rublee will continue to study the situation.

City Manager Stewart stated that the Virginia Municipal League Conference has been scheduled for October 20-22, 1996. Council Member Green offered a motion naming Rodney Eagle as the voting delegate and Hugh Lantz as the alternate delegate. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from Reserve for Contingencies to Building Inspections (General Fund) in the amount of \$7,200.00. Planning and Community Development Director Turner said that the building at 344 West Bruce Street was damaged by fire on December 25, 1995 and has not been repaired. After receiving several telephone calls concerning the unsafe condition of the building, the Building Official condemned it. As it was not repaired or removed by the owner, the matter was referred to General District Court. On August 13, 1996 General District Court declared it to be a public nuisance. Mrs. Turner said the budget did not contain any funds for removing a private dwelling, therefore, this request is being made to transfer the funds. A lien can be placed against the property and after three years if the property taxes are not paid then the City can force the sale of the property to reclaim its funds. Council Member Green offered a motion to approve the transfer of these funds.

\$7,200 chge. to: 1000-940111-49310 Reserve for Contingencies

\$7,200 approp. to: 1000-340121-43875 Demolition of Buildings

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 of several encumbrances that were outstanding at June 30, 1996. These outstanding encumbrances for purchase orders were issued for goods and services ordered but not received prior to June 30, 1996. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$313,370.30 chge. to: 1000-31010 Amount from fund balance

86,967.86 chge. to: 2011-31010 Amount from fund balance

59,952.24 chge. to: 2012-31010 Amount from fund balance

\$ 7,200.00 approp. to: 1000-410121-43100 Professional services

140,100.00 approp. to: 1000-410121-48291 Engineering/mapping

70,818.00 approp. to: 1000-410241-48106 Sidewalks

10,872.75 approp. to: 1000-410241-48151 Motor vehicle and equipment

26,000.00 approp. to: 1000-410241-48224 Flood plain channel

29,636.36 approp. to: 1000-410241-48295 WIP - Annexed area - 2

3,538.79 approp. to: 1000-410241-48297 WIP - West Market Street

7,300.00 approp. to: 1000-410241-43372 Maintenance & repairs-bridges

17,904.50 approp. to: 1000-410241-43375 Maintenance & repairs-non allowable

\$313,370.40

Sub-Total

3,558.03	approp. to: 2011-372061-48181 Buildings and grounds
7,816.94	approp. to: 2011-372061-48187 WTP improvements
20,000.00	approp. to: 2011-372061-48209 Western source development
28,631.00	approp. to: 2011-372061-48216 SCADA
5,439.40	approp. to: 2011-372061-48218 Mains and Appurtenances
19,122.40	approp. to: 2011-372061-48219 Oversize and extensions
2,400.00	approp. to: 2011-372061-48291 Engineering/mapping
86,967.86	Sub-Total
1,200.00	approp. to: 2012-412061-45540 Education
7,161.50	approp. to: 2012-472061-48116 SCADA
19,879.74	approp. to: 2012-472061-48181 Buildings and grounds
2,437.00	approp. to: 2012-472061-48273 Software
29,274.00	approp. to: 2012-472061-48291 Engineering/mapping
59,952.24	Sub-Total
\$460,290.50	Total

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

Council Member Rogers expressed some concern as to why the City did not declared a state of emergency until 11:00 a.m. on Friday morning since Governor Allen had declared a state of emergency for Virginia on Thursday afternoon. He said he was concerned about the several hundred employees that had to report to work and travel on the City streets when it could have been unsafe conditions. City Manager Stewart stated that the City has been cautious about declaring a local state of emergency. Sometimes the weather forecast have not been adequate so the City is really careful before following the declaration by the Governor because our situation may not reflect what is happening state wide.

City Manager Stewart presented an updated report on the water problems caused by Hurricane Fran and requested that Council affirm the decision that was made on Friday to declare a local emergency. He said the City is currently operating with two pumps at Bridgewater and one pump at Silver Lake. We also have a connection with Rockingham County in the southern end of the City. The Silver Lake pump station is running 24 hours per day and because of the nature of the pump station somebody physically needs to be present 24 hours per day. The budget contains some changes for next year that would alleviate some of the problems the City has experienced in the past. A third pump is being repaired at Bridgewater and a decision will be made in several days whether or not to start it up. Extra charges from Vepco will have to be considered when the third pump is started because it will add \$40,000 to the electric bill. The Rawley Springs situation continues to be a difficult one to deal with but the City did get the 10 inch finished water line restored to service. The 16 inch raw water line coming from Rawley Spring has four river crossings which has a break in one of the crossings. In addition to the break a significant amount of river rock got into the line as far as it can be seen. The 12 inch line is out of service. Since the Water Department has been receiving water from Silver Lake and North River it has created a challenge for the department because the water is not the same quality, therefore, the department continues to have to blend the water from both sources. The City had many flooded streets Friday afternoon but by early Saturday afternoon everything was open and in good shape. It appears that Switzer Dam has significant damage to the spillway. The City Engineer has estimated that the cost to repair the damage to the spillway should range between 1.3 to 2 million dollars. Current estimates of the Rawley Springs

problems should be about \$120,000. The City has been declared as a disaster area for individual assistance. With the damage at Switzer Dam, Rawley Springs, and Bridgewater the City should be designated as a disaster area for public assistance which would make the City eligible for state and federal funding to assist with the damage to public property. The Federal Government should pay 75% of the allowable cost and the state should pay between 10%-15% of the remaining cost. Mr. Stewart said that all of the departments are working with Fire Chief Shifflett to provide very detailed records of damages and cost estimates so the City can recover as much of the funding for damages as possible. Overall the City had very limited damage to public property and he expressed his thanks to the many dedicated employees who have worked in some very rough conditions during the last few days. It was reported that there is also some damage to Dry Run Dam but no cost estimates were provided. Council Member Byrd offered a motion to adopt the resolution for the declaration of a local emergency. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart announced that City Council's planning work session will be held on Tuesday, September 17 at 6:30 p.m. at the Harrisonburg Electric Commission to discuss goals and objectives.

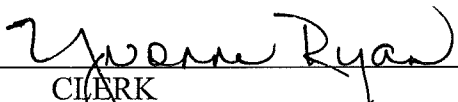
Police Chief Harper presented a brief report in response to Council Member Green's suggestion that the City should have uniformity in the posted speed limits on the City streets in the mall area. He said that the speed limit on Evelyn Byrd Avenue will be changed to 35 mph once the stoplight has been installed at the intersection with Neff avenue and will be changed to 35 mph on all streets in the mall area as soon as a sign can be erected, except for Evelyn Byrd between University and Reservoir. That section will remain at 25 mph.

At 10:10 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Central Shenandoah Emergency Medical Services Council, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority, Building Code Board of Appeals, Harrisonburg Planning Commission, Harrisonburg Electric Commission, and the Harrisonburg Parks and Recreation Commission, 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 permissible use of the public right of way, 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. Discussion and consideration of the acquisition and use of real property to be used for a public purposes, 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 with a unanimous vote of Council.

At 12:01 p.m., the executive session was declared closed and the regular session reconvened. The following statement was read and 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 12:02 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

SEPTEMBER 24, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven Stewart; Assistant City Manager Roger D. Baker; City Attorney Earl Q. Thumma Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; Chief of Police Donald Harper. In the absence of City Clerk Yvonne Bonnie Ryan, Assistant City Manager Roger D. Baker served as Acting Clerk.

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

Human Resources Director Gary McBride introduced new City employees, School Bus Drivers Nancy McDorman and Jim Werner and Police Officers Debra Turner and Christopher Valentine.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation of several outstanding encumbrances at June 30, 1996. Motion was seconded by Council Member Byrd and passed with a unanimous recorded vote of Council.

✓ Planning and Community Development Director Turner reviewed the process of creating an Historical District in the downtown area, and introduced Mr. David Edward's of the Virginia Historic Resources Commission. Mr. Edward's reviewed what an historic designation means. He stated that there were no restrictions because of the designation and the designation is primarily honorary. He mentioned promoting tourism and federal income tax credit of up to 20% on improved property as advantages of an historic designation. He indicated he could think of no disadvantages.

Mr. Bill Blessing, Chairman of the Transportation Safety Commission, presented a proposal to change the composition of the Commission. He proposed that the Commission meet on a regular basis, become more proactive, and that the membership be increased from six to twenty-one or more members. In order to make these changes the City Ordinance would need to be changed. Council expressed concern with such large number of members and directed that the Commission do further study of the proposal and present the proposal at a later date.

✓ Planning and Community Development Director Turner reviewed Planning Commissions recommendations to approve the request for final Subdivision Plat for Westfield Subdivision, Section 1, which is located on the north side of East Market Street across from the Middle School. She stated that all City requirements had been met and

that proper bond had been posted. Council Member Rogers moved to approve the Planning Commission recommendation as stated. The motion was seconded by Council Member Green and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner reviewed Planning Commission's recommendation to approve a request for vacation of a plat of South Main Heights Subdivision, Section 1. The original plat was approved in 1992 for the JMU Foundation and has been sold. The easements on the original plat will continue, but lot lines will be eliminated. Both staff and Planning Commission recommend approval. Vice-Mayor Lantz moved that the Planning Commission recommendation be approved as stated. The motion was seconded by Council Member Rogers, and approved by unanimous vote of Council.

✓ Planning and Community Development Director Turner reviewed Planning Commission's recommendation to institute a study on communication towers. The study would be undertaken by City staff with assistance from local communications businesses and possibly could piggy back on a study that the Central Shenandoah Planning District Commission is considering doing for the entire Planning District. The study would provide more knowledge and understanding to towers and the recent Telecommunications Act. The consensus of Council was that the study was a good idea and should be done.

After considerable discussion about placement of banners, Vice-Mayor Lantz offered a motion that the City ordinance be amended so that applications for displaying banners would be required no earlier than one year and no less than thirty days before the requested date; banners could be displayed for one week; approval would be by City staff, and the City Attorney is directed to prepare the necessary ordinance changes for consideration by Council. Motion was seconded by Council Member Green and passed by unanimous vote of Council.

✓ Council Member Green offered a motion that Women's Health Focus application to display a banner from October 1, 1996 to October 31, 1996 be approved. Motion was seconded by Council Member Rogers and passed by unanimous vote of Council. The request by Harrisonburg High School to display a banner from May 5, 1997 to May 23, 1997 was tabled until a later date.

✓ Public Utilities Director Collins reviewed the document "Potomac Tributary Strategy-Southern Shenandoah Region" and outlined the recommendation for meeting the area requirements to reduce nitrogen and phosphorus in the Chesapeake Bay. This is presently a voluntary program, but a plan must be submitted to the Virginia General Assembly by January, 1997. Council Member Green offered a motion to endorse the concept of the plan and advise legislators that Harrisonburg and this area has been a leader in sewerage treatment since 1970 and credit should be given for exceeding the requirements in the past. Motion was seconded by Council Member Rogers and passed by unanimous vote of Council.

✓ Council Member Rogers moved that Mayor Eagle be authorized to sign the necessary deeds for the West Market Street improvements. Once the project is completed the Commonwealth of Virginia will deed the property back to the City. The motion was seconded by Council Member Byrd and passed with unanimous recorded vote by Council.

Council Member Green moved that the following Fall River Renaissance Resolution be approved. Motion was seconded by Council Member Rogers and passed by unanimous vote of Council.

WHEREAS, Virginia is blessed with abundant rivers, and other water, throughout the Commonwealth; and

WHEREAS, Virginia's rivers and water provide sustenance to her citizens, their communities, and their businesses, which are important for their quality of life and prosperity; and

WHEREAS, such rivers and water are vital natural resources, providing important benefits to fish and wildlife and their habitats; and

WHEREAS, the Commonwealth's rivers and waters provide opportunities for public boating, hunting and fishing and other forms of outdoor recreation enjoyment by Virginians and our visitors; and

WHEREAS, the Commonwealth and her citizens should endeavor to conserve and enhance Virginia's rivers and waters so as to ensure their benefits, both now and for future generations; and

WHEREAS, individual citizens, businesses and organizations, through their voluntary efforts, can accomplish the most to conserve our natural resource and provide long-term environmental benefits; and

WHEREAS, the Fall River Renaissance campaign will encourage caring citizens to conserve and improve the rivers and waters in Virginia and will recognize and honor their exceptional efforts; and

NOW, THEREFORE, I, George Allen, Governor of Virginia, do hereby recognize September 21, 1996 through October 19, 1996 as the Fall River Renaissance in Virginia, and I urge all our citizens, businesses and organizations, public and private to observe and participate in this campaign to conserve and enhance the rivers and waters of Virginia in order that we may enjoy a more beautiful, healthy and prosperous Commonwealth.

✓ Jim Werner presented the following resolution for Council's consideration.

RESOLUTION

A RESOLUTION DESIGNATING OCTOBER 13, 1996, AND THE SECOND SUNDAY IN OCTOBER IN EACH SUCCEEDING YEAR, AS FALLEN FIREFIGHTERS' DAY IN HARRISONBURG, VIRGINIA

WHEREAS, Virginia's Firefighters, courageous and dedicated men and women, give unselfishly of themselves to assist their fellow Virginians in times of great need; and

WHEREAS, Their duties often place firefighters in harm's way, and, tragically some of them lose their lives in the line of duty; and

WHEREAS, courage, sacrifice, and an extraordinary sense of duty characterize firefighter throughout the Commonwealth and the nation; and

WHEREAS, it is entirely appropriate that those firefighters who have made the ultimate sacrifice of their fellow citizens be recognized and honored.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Harrisonburg, Virginia the October 13, 1996, and the second Sunday in October in each succeeding year, be designated as FALLEN FIREFIGHTERS' DAY.

BE IT FURTHER RESOLVED that the Mayor and the City Council urge the citizens of Harrisonburg, Virginia, to honor Virginia's fallen firefighters with appropriate observances and ceremonies.

RESOLVED, the 24th day of September, 1996.

Council Member Rogers moved for approval of the resolution as presented. Motion was seconded by Council Member Green and passed by unanimous vote of Council.

Jim Tripplett, Finance Director for the School Board, presented a request for Supplemental Appropriation from unanticipated receipts from state and federal programs for the School Division. Council Member Green moved for approval of a first reading of the Supplemental Appropriation. Motion was seconded by Council Member Byrd and passed by unanimous recorded vote by Council.

Council Member Byrd offered a motion that the state of emergency which was declared on September 6, 1996 be declared ended and that Assistant City Manager Roger D. Baker be named as the City's agent for all matters pertaining to State and Federal disaster assistance. The motion was seconded by Council Member Rogers and passed by unanimous vote of Council.

City Manager Stewart offered the dates of October 15 or October 29, 1996 for having a Council work session for an update on the water system. It was agreed that the work session would be October 29, 1996 at 7:30 p.m. provided all the necessary participants could attend.

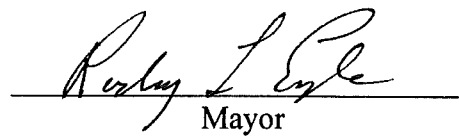
At 9:25 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Central Shenandoah Emergency Medical Services Council, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority, Building Code Board of Appeals, Harrisonburg Planning Commission, Harrisonburg Electric Commission, and the Harrisonburg Parks and Recreation Commission, 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 used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:35 p.m., the executive session was declared closed and the regular session reconvened. The following statement was read and agreed to with an unanimous recorded vote of the Council: I hereby 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 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 for the following people to be appointed to these Boards and Commissions: John Q. Adams and Michael S. Way to a first term on the Harrisonburg Redevelopment and Housing Authority; Michael G. Wong to a second term on the Harrisonburg Redevelopment and Housing Authority; Orden L. Harman to a second term on the Building Code Board of Appeals; Dr. William Robert Beasley, George Homan and Kathy A. Whitten to a second term on the Harrisonburg Planning Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:00 p.m. there being no further business and on motion adopted the meeting was adjourned.


Acting Clerk


Mayor

REGULAR MEETING

OCTOBER 8, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Mayor Eagle 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 supplemental appropriation for the School Division from unanticipated receipts from state and federal programs. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request for a conditional rezoning of Tax Map Parcel 20-A-2B, from R-2 Residential District to M-1 General Industrial (Conditional) with additional proffers. She said the site is located directly behind 1178 South High Street and is approximately .157 acres which currently has an old water storage tank owned by Wampler Foods, Inc. The purpose of the request is that the applicant wishes to attach communications equipment and antennas to the existing 150 foot high water storage tank by a special use permit. She explained that the communication tower would not exceed 170 feet but the existing water storage tank is a nonconforming structure in an R-2 Residential District area. Mrs. Turner reviewed the proffers and said that the applicant would install an 8' high chain-link fence to enclose the communication tower. Staff had expressed some concerns about the conditional rezoning because it does not conform with the Comprehensive Plan's recommendation for the property. However, since it would be using an existing water tank for the communication tower Planning Commission did recommend approval.

At 7:44 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 23, and September 30, 1996.

**NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS**

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 8, 1996, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following requests:

1. **Request by Shenandoah Mobile Company (contract purchaser) to rezone .157 acres, located behind 1178 South High Street and described as Block Map 20-A-2B, from R-2 Residential District to M-1 General Industrial District (Conditional). The property is owned by Wampler Foods, Inc.**
2. **Request by Shenandoah Mobile Company (contract purchaser) for a special use permit to allow a communication tower with a height not to exceed 170 feet. The .157 acre property is located behind 1178 South High Street and is described as Block Map 20-A-2B. The property is owned by Wampler Foods, Inc. This special use permit application is contingent on the rezoning of the property as cited above in #1.**

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

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

**CITY OF HARRISONBURG
Steven E. Stewart
City Manager**

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

Leonard Griesz representing Shenandoah Telecommunications Company (Shentel) said that Shentel wanted to amend the request of the tower height to 160 feet. He said that Shentel has been doing business in the valley for many years with several subsidiary companies working with telecommunications. This new communications network project will use the most current technology available to bring personal communication services (PCS) to Harrisonburg, Rockingham County and the Shenandoah Valley. It provides, in one handset, a personal voice telephone, answering service, pager, text messenger, computer data link, and even fax over the airwaves. The signal is digital, so it is immune from cloning and eavesdropping, and the quality exceeds that which is generally available today.

William Pirtle, Vice-President of Shentel, displayed the phones and gave a brief description on how it works using a computer chip. The communications services will help people better communicate and stimulate economic development. He also noted that the company could have chosen to build another tower but decided to use an existing structure to promote harmony with the community's land development efforts and to keep costs down.

Ben Fordney commented that there are three towers within a one-half mile distance along South High Street. Cutting off approximately half the tank has altered one tower, but it remains an eyesore. He also questioned why was the City ignoring their Comprehensive Plan since the Planning Staff had recommended denying this rezoning request. The City Council should address these pockets of M-1 zoning throughout the City before it is forced into making rezoning decisions. The Council should put neighborhoods first and corporate interest second.

Helen Hanson questioned whether there would be communication interference with radio or television reception. Mr. Pirtle responded that although he was not an engineer adding any

additional communication devices on the existing tank should not cause additional interference to any reception.

Betty Ann Fordney said that the adjoining property owners are not the only people that will be influenced by the communication tower. The RMC tower does have an antenna on it but is still rusting and is a very unsightly structure with weeds growing around the base. The Virginia Craftsman's tower is also rusting and in need of attention before it becomes a dangerous structure. Warren Dillenbeck a professional engineer registered in the Commonwealth of Virginia and also a resident of South Dogwood Drive expressed some concerns with safety, health and structural danger. He said the 40 year old tank was rusting and questioned whether it was safe for the tank to stand in its current place for another 30 years. All three water tanks are really an eyesore to the area. Mr. William Pirtle commented that Shentel had agreed to paint the tower and keep the tower up to some standard as dictated by the City Council.

Lillian Richardson said that she could see all three water towers from her property and questioned why I-81 would not be the proper place for the tower. She said the City is very tough on sign locations so why not adhere to rules rather than stretching them. There being no others desiring to be heard, the public hearing was declared closed at 8:23 p.m., and the regular session reconvened. Council Member Byrd commented that a lot of good points had been made regarding the improved attention to aesthetic values particularly maintenance and added insurance that these towers would not continue to deteriorate or be eyesores. He suggested that the City Planners take a real hard look at height restrictions in the different development areas of the City. He also suggested that these reservations be expressed by management to staff for review and that a list of the predominate towers be created to include appearance, maintenance, and height in order to have a scale to go by. Vice-Mayor Lantz offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request for a special use permit to allow a communication tower, now amended to 160 feet, in an M-1 General Industrial District (Conditional). She said that since the property has been conditionally rezoned Shentel is requesting a special use permit to allow the communication tower with a height not to exceed 160 feet in the M-1 General Industrial District (Conditional). It was explained to Shentel that Planning Commission would consider the request but they would have to seek a variance on setbacks from the Board of Zoning Appeals. The BZA did grant the variance at their October 7, 1996 meeting. Mrs. Turner said that Planning Commission did recommend approval with the following conditions. The first condition is that the total height of the structure, after the antennas have been attached, shall not exceed 160 feet from the grade. The second condition is that a copy of the applicant's FCC license shall be submitted to the City, where it will be kept on file. The third condition is that it would be the responsibility of the applicant to maintain the equipment and water tank in good condition. No cross-channel interference shall occur with other bands already in operation in the area. The water tank shall be painted periodically to keep up the aesthetic appearance. The fourth condition is that the applicant shall negotiate in good faith with other communication companies for the use of the subject tower for their telecommunication purposes. This was done so that perhaps

the City will not have as many of these type of towers located around the City. With these conditions attached, Planning Commission did unanimously recommend approval of the special use permit to allow the construction of the tower.

At 8:32 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 23, and Monday, September 30, 1996.

NOTICE OF PUBLIC HEARING TO ADJOINING PROPERTY OWNERS

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 8, 1996, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following requests:

1. Request by Shenandoah Mobile Company (contract purchaser) to rezone .157 acres, located behind 1178 South High Street and described as Block Map 20-A-2B, from R-2 Residential District to M-1 General Industrial District (Conditional). The property is owned by Wampler Foods, Inc.
2. Request by Shenandoah Mobile Company (contract purchaser) for a special use permit to allow a communication tower with a height not to exceed 170 feet. The .157 acre property is located behind 1178 South High Street and is described as Block Map 20-A-2B. The property is owned by Wampler Foods, Inc. This special use permit application is contingent on the rezoning of the property as cited above in #1.
3. Request by Bill V. Neff to amend Section 10-3-91 of the Harrisonburg Zoning Ordinance to include "College or university buildings which are either owned or leased by such institutions and are contiguous to the primary campus of the college or university," as a use permitted in a B-2 district only by special use permit."

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

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

CITY OF HARRISONBURG
Steven E. Stewart
City Manager

William Pirtle said Shentel was in agreement with all of the conditions and noted that the tower would be painted before the first communication device was installed. He also said the FCC is in the process of auctioning off additional spectrum for use by wireless communication carriers. There

are currently five companies with the right to do wireless communication in the City of Harrisonburg. He again reiterated that is very important to find ways to use existing structures to accommodate this wireless communication and that Shentel has agreed to allow other service providers to use their site so that they do not have to build another tower on the hill.

Warren Dillenbeck said that in light of the new information shared tonight it should be obvious that everyone should really ought to be thinking seriously about transmission towers for the City. Lets not take a jackleg approach to it which means taking an existing eyesore and mounting a bunch of antennas on it. He suggested that the various high points in the City should be considered and possibly put everything in one place. He said hopefully one day all three tanks could be taken down. He encouraged Council to have an experienced engineer conduct a study. 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 offered a motion to accept the recommendation of the Planning Commission for a special use permit for a 160 foot communication tower. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council. City Manager Stewart mentioned that at the last Council meeting there was a recommendation from the Planning Commission to have staff institute a study on communication towers. Also, the Central Shenandoah Planning District Commission is considering doing a study for the entire Planning District. Stacy Turner, Planning and Community Development Director, and her staff are putting together information using local resources to assist experts in the field of communication to provide Council with suggestions on things that might need to be changed in the City's existing ordinance dealing with transmission towers. The Telecommunications Act of 1996 really changed the face of communications in the Country. Vice-Mayor Lantz commented that existing structures need to be used for these towers and that he was glad that the height had been amended to 160 feet. Council Member Green said that some good points had been discussed, but he recommended that a representative from Shentel, a representative such as Warren Braun, and who ever Mr. Dillenbeck recommended present a report to City Council advising if this is the best location to put these towers. He said he would like to see a report before anybody does anything to be sure that this is the proper thing to do.

✓ Planning and Community Development Director Turner introduced a request to amend Section 10-3-91 (Uses Permitted only by Special Use Permit) of the Zoning Ordinance, pertaining to B-2 General Business District, to include college or university buildings which are either owned or leased by such institutions and are contiguous to the primary campus of the college or university. She said the purpose of this ordinance amendment is that James Madison University has experienced an extremely high ratio of acceptances for the fall of 1996 which has resulted in a housing deficit for the university. Mr. Bill Neff proposes to build a motel, a permitted use in the B-2 Business District, and has contracted to lease the facility as a dormitory to the university. Dormitories are not allowed as a permitted use within the B-2 Business District. When the request was presented at the Planning Commission meeting the wording submitted by Mr. Neff and his attorney was changed to state for "college or university buildings are either owned or leased by such institution and are adjoining and contiguous to the college or university leasing the same". A public hearing will be held on November 12 to consider the special use permit request. She said that staff did have a lot of reservations concerning this matter because a General Business Commercial District was not the place to encourage student housing except for regular hotel and motels but not dormitory style housing. We felt that the City has sufficient areas zoned R-3 for apartment and high density type

dwellings. Because of these reservations staff recommended that the request be denied. However, at the Planning Commission meeting because the language had been narrowed it was recommended for approval.

Bill Neff requested that City Council approve the amendment which would allow through a special-use permit in the general business districts housing that could be leased by colleges or universities as long as such facilities are adjacent to the primary campus. He presented and reviewed an artist design of the building and site plan. He did question the need for extra parking spaces because he said adding another 73 parking spaces on the lot would not make it useable. He noted that he had tried to make the project an asset to the community.

Mark Callahan, attorney for Mr. Neff, stated that they had tried to narrow the request as much as possible by suggesting to Planning Commission that it does not open the door to allow student housing in the B-2 General Business District. He said there is a definite need for student housing in Harrisonburg since the additional freshman are already here and are currently being housed four to a room that is designed for two on the campus. The City staff has indicated that it is important for the students to have an atmosphere which is both educational and recreational environment that nurtures the growth of an individual. We feel it is the best alternative for the City and the university and for all concerned to have these students in one centralized place where they are managed by the university.

Steve Knickrehm, Assistant Vice-President for Resource Planning at JMU, spoke in support of Mr. Neff's request. He said JMU supports the plan and strongly feel this is the best location for housing students during the university's temporary need. The university is in the process of planning construction for additional permanent resident facilities including dining halls, roads, and academic facilities immediately adjacent to the site in question. JMU's enrollment growth is growing faster than its fiscal facilities. The community and JMU students will be better off if the university focuses the housing efforts in one location that is adjacent to the campus. Mr. Knickrehm said that when JMU entered into a lease with Mr. Neff it was specified that 162 parking spaces would be provided in the parking lot and JMU is satisfied with this number of parking spaces. Also, he said bike racks will be provided at the facility, a full-time resident director will live in the facility, and there will be pedestrian and bike access to the main campus.

Bruce Forbes spoke in opposition to the project. He said that James Madison University was aware of the overcrowding problem in February, 1996 and proceeded with this project because they already knew that the zoning change would be approved. He reminded Council that when he had requested rezoning for some of his property for the construction of student housing in 1995 the request had been denied. Mr. Forbes also noted that he has invested a lot of money in the City of Harrisonburg.

Doreen Devore commented that just because students were tripled in a double room and quadrupled in a tripled rooms would not make it fatal. She said its not like these students are homeless and need to be housed immediately. James Madison University could response to this crowded condition by not sending out as many acceptance letters. They do not have to guarantee on campus housing for all students. Temporary student housing has a way of becoming permanent. If this property is rezoned for a special use permit for a hotel then the hotel will never be used for a hotel but will be permanent student housing. She also expressed concern with parking and suggested more bike racks be included in the project. There being no others desiring to be heard, the public hearing was declared closed at 9:16 p.m., and the regular session reconvened. Council Member Green offered a motion to approve the recommendation of the Planning Commission for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote

of Council. Mayor Eagle and Council Member Green expressed concerns about the amount of parking that Mr. Neff plans to make available for the site. Attorney Henry Clark, representing Bill Neff, said JMU will control the parking lot and the entire facility.

✓ Steve Heitz, Attorney for the Harrisonburg Redevelopment and Housing Authority, explained that HRHA wants to issue Multi-Family Housing Revenue Bonds to finance the Fore Mallside Apartment development in Charlottesville, Albemarle County, Virginia and a multi-family residential housing project in Prince William County, Virginia. The bonds will not be an obligation of the City or the Harrisonburg Redevelopment Housing Authority nor impact the City's debt limit. Vice-Mayor Lantz offered a motion to approve both resolutions as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Vice-Mayor Lantz offered a motion to approve the request from Downtown Harrisonburg Retail Merchants Associates to hold the Christmas parade on Friday, December 6, 1996 at 7:00 p.m. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request from the Citizens for Downtown to adopt a resolution concerning care and maintenance of the Springhouse on Court Square. He said that the City will be responsible for providing water and electricity to the Springhouse and for perpetual care and maintenance of the structure. Rockingham County has been asked to care for the green space around the perimeter, including mowing, landscaping, watering, etc. A water fountain will be installed by a volunteer. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented an application for Harrisonburg's downtown area to be listed in the Virginia Landmarks Register and the National Register of Historic Places. Mr. Stewart said the application process was reviewed at the last Council meeting. In March 1996, staff mailed an information letter to all 78 property owners in the proposed district with a postage paid postcard on which to declare either their support or opposition. Of the 39 property owners who participated in the survey, 28 or 72% supported the proposed historic district, but the respondents represented just half of the 78 property owners in the downtown area. Following further comments and discussion,

Vice-Mayor Lantz offered a motion that another informational letter explaining the historic district status along with a form be mailed to all 78 property owners and then to follow-up with a phone call to those who did not respond to this letter to determine whether there is enough support to continue with the application process. The motion also included that a report be presented at the next City Council meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Assistant City Manager Baker presented a brief report on FEMA assistance for the September 6th flooding. Because the area had already been declared a disaster area by Governor Allen following Hurricane Fran, a team including representatives from FEMA, a state government agency, and an individual from the City inspected all the damage areas to make a damage survey report for

each site. He said based on equipment rates and quantities of material needed to make repairs FEMA will determine an estimate of the costs needed to repair the damage area. These repair costs include \$10,000 to Hillandale and Purcell Park, \$12,000 for street repairs, \$3,000 to remove debris, \$1900 in overtime incurred by the Police and Fire Department, \$50,000 to the Water Department for repairs at Riven Rock and the pump station at Bridgewater for a total of approximately \$77,000. FEMA will reimburse 75% of the repair costs and depending on the fiscal stress the Center for Public Service at UVA is determining for all localities the state will pay up to 25% of the repair costs. The City will not receive nor recover the total amount of the estimated damages. All of the money received has to be used to make the repairs as indicated in the DSR report. Mr. Baker said the City suffered a lot of damage on the dam at Dry Run and Switzer Dam. Discussions are still taking place to determine if the National Resource and Conservation Services will help with the repair costs to the spillways.

Police Chief Harper presented a request to adopt the Greater Harrisonburg/Rockingham County Law Enforcement Mutual Aid Agreement. He explained that this is a mutual aid agreement between Harrisonburg and all Rockingham County jurisdictions, except for Grottoes Police Department and James Madison University Police Department. This agreement will allow the different police departments to provide assistance to each other in times of special events, crowd control or any emergency situations. Vice-Mayor Lantz offered a motion to approve this agreement. 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 charge off delinquent 1991 personal property taxes in the amount of \$28,988.25 and penalty for the same taxes in the amount of \$3,298.63. He noted that Mrs. Miller had provided information from the Public Accounts Manual published by the Audits of Public Accounts stating that delinquent personal property taxes should remain on the books for five years. He also noted that Mrs. Miller's department continues to try to collect these delinquent taxes. City Attorney Thumma reminded Council that a lien is placed against the property and taxes can continue to be collected for 20 years. Vice-Mayor Lantz offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented for Council's consideration of a first reading an ordinance amending Section 11, Chapter 5 of the Harrisonburg City Code. Mrs. Turner explained that at the last Council meeting City Attorney Thumma had been directed to work with staff to prepare the necessary language to facilitate administrative approval of the banners that are displayed across Main Street for charitable organizations. She also noted that an application for erection of a banner may be submitted no earlier than one year nor later than thirty days and cannot be displayed for a period greater than one week. The applicant shall furnish the City with a certificate of insurance and should more than one organization apply for the same week then the organization first applying and meeting all of the terms and conditions shall be approved and the other organizations shall be given preference should the same organizations apply for the same week the following year. Applicant shall make arrangements with Harrisonburg Electric Commission for the erection and removal of all approved banners. Mrs. Turner suggested that the 30 day minimum notice may be insufficient and recommended that the minimum time period be changed to 60 days

prior to the erection of the banner. Vice-Mayor Lantz offered a motion to approve this ordinance with the recommended changes in the amendment for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading amending and re-enacting Chapter 1, Title 12 of the Harrisonburg City Code. He said the 1996 General Assembly mandated that every jurisdiction that levies the BPOL tax to adopt model ordinance provisions, effective January 1, 1997. Mr. Stewart reviewed the ordinance and noted that there are four primary changes. Number one is that based on the City's population State law now requires no tax can be imposed on persons whose gross receipts are less than \$50,000. Second is optional and was discussed with Council in preparing the budget for 96-97 that a \$50.00 fee for issuing a license for all persons required to have a license. Third is that effective January 1, 1998 application and payment deadlines will change from January 31 to March 1, 1998. Fourth if the Commissioner office were to conduct an audit, appeals would be made to the Tax Commissioner of the Commonwealth of Virginia. BPOL is the City's third largest revenue source behind property taxes and sales tax. In order to continue to levy the tax, the ordinance must be adopted by December 31, 1996. Kale Barb, Commissioner of the Revenue, said that the City will lose approximately \$36,000 on business licenses and approximately \$20,000 on service licenses. Overall the City will lose approximately \$100,000 by using the less than \$50,000 gross receipts. If a business gross receipts are less than \$50,000 then that business will be charge the \$50.00 license fee but gross receipts over \$50,000 will be subject to the listed tax rates. Mr. Barb noted that the business licenses did not change for Cities with populations under 25,000. Council Member Green offered a motion for a first reading of this ordinance with a change in paragraph A of Section 12-1-10 stating that businesses whose gross receipts are under \$50,000 will pay the \$50 fee. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Mr. Barry Hensley stated that he had witnessed a dump truck traveling at a very high speed on Garbers Church Road which barely missed running over a child waiting for the school bus. He said even though the road is wide and has two lanes, there needs to be some enforcement of the speed limit on the road. Cars are passing on the right side of the travel lane in both directions. It is a very serious problem on Garbers Church Road and someone will be seriously hurt if some action is not taken to enforce the speed limit.

Council Member Rogers expressed his concern over a Sheetz Inc. billboard advertisement which he said promotes teen smoking. He said that the billboard placed along Grace Street stands within sight of Harrisonburg High School. According to a study published in the Journal of the National Cancer Institute tobacco advertising and promotion influence adolescents' decision to begin smoking significantly more than does peer pressure. He noted that six weeks ago, the Federal Food and Drug Administration approved guidelines that will place a Federal ban on cigarette advertising within 1,000 feet of a school. The new rules are expected to go into effect sometime after February 1997. He encouraged City Council to formally urge the company to take the ad down and offer City residents a published apology. Following further comments and discussion, Council Member Rogers offered a motion that a letter should be written bringing to Sheetz attention the billboard advertisement and suggesting that it be removed. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council. Vice-Mayor Lantz commented that Council

sort of bent over backward to grant Sheetz some variances on their signs when their facilities were built and yet this is the type of advertising they do in our City.

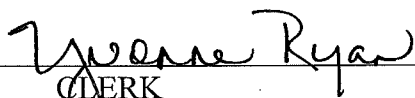
City Manager Stewart announced that the City/County Liaison meeting involving Council Member Rogers and Vice-Mayor Lantz will meet Thursday, October 10 at 7:00 a.m. in his office.

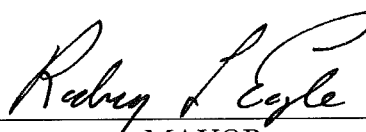
City Manager Stewart reminded everyone of the VML meeting October 20-22, 1996.

At 10:22 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Central Shenandoah Emergency Medical Services Council, Harrisonburg Parking Authority, Harrisonburg Electric Commission, and the Harrisonburg Parks and Recreation Commission, 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. Discussion and consideration of the disposition of real property used for public purposes, 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 Byrd, and approved with a unanimous vote of Council.

At 12:01 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was read and 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 12:02 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

NOVEMBER 12, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Vice-Mayor Lantz delivered the invocation and the Cub Scout Pack 42 Bear Den Two from Harrisonburg Baptist Church 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 an ordinance amending Section 10-3-91(7), Section 11, Chapter 5, and amending and re-enacting Chapter 1, Title 12 of the Harrisonburg City Code. The motion also included referring closing and vacating a portion of College Avenue on the EMU campus to the Planning Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request for a Special Use Permit to allow the lease of a 150-room motel to James Madison University which would provide housing for 300 students. She said that the zoning ordinance was amended to allow this type of facility by a special use permit to be located in the B-2 Business District classification. Mr. Bill Neff is requesting the special use permit for a student housing facility to be leased by James Madison University. The site is located at 601 University Boulevard approximately 800 feet west of the intersection of University Boulevard and Reservoir Street. The building in question is already under construction and nearing completion but it will not have dining facilities within it. She explained that Planning Commission reviewed the request and held a public hearing, but did have mixed concerns locating a residential facility within a commercial area. Nevertheless, after a lengthy discussion Planning Commission did recommend approval with the following conditions. The first condition is that bike racks for parking at least 50 bicycles should be provided for the students within the property limits. The second condition is that a full-time resident director appointed by the university must live on the premises to supervise the activities of the residents and their guests. The third condition is that a pedestrian access and a bikeway shall be constructed to provide access to the main campus across I-81. A plan of the pedestrian access and bikeway shall be presented to the Planning Commission for approval and shall include a construction schedule for the project. The fourth condition is that 235 paved parking spaces shall be provided on the subject property. The fifth condition is that there shall be no more than 300 students and one resident director in the dormitory. With these conditions attached, Planning Commission did recommend approval of the special use permit to allow the lease of a 150-room motel to James Madison University.

At 7:40 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 28, and Monday, November 4, 1996.

**NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS**

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 12, 1996, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following request:

Request by Bill V. Neff for a special use permit to allow the lease of a 150-room motel to James Madison University which would provide housing for 300 students. The 2.424 acre property is located at 601 University Boulevard and is described as Block Map 85-A-2.

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

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

**CITY OF HARRISONBURG
Steven E. Stewart
City Manager**

Mayor Eagle called on anyone present desiring to speak either for or against this request:

Bill Neff requested that City Council approve Planning Commission's recommendation to grant a special use permit for the motel on University Boulevard to be used for temporary student housing by JMU. Mr. Neff referred to a letter that he had signed stating that he agreed to provide 235 parking spaces for the facility which was recommended by the Planning Commission. However, the university will locate 80 of the 235 required parking spaces on the CISAT campus for student occupants of the motel. He also referred to a letter written by Linwood Rose which states that while JMU leases the facility it will designate 80 parking spaces on the CISAT campus for the student occupants. Mr. Neff said his plan calls for providing 155 parking spaces on a lot in front of the motel on University Boulevard. An unpaved site owned by JMU, on the other side of campus soccer fields, will provide the additional 80 parking spaces.

Steve Knickrehm, Assistant Vice-President for Resources Planning at JMU, stated that they will allow 80 temporary parking spaces on a site that will eventually serve as parking for JMU's CISAT campus. That lot will contain 199 parking spaces but 80 will be used now for the dormitory. They have not designated the remaining 119 parking spaces for any purpose. He also referred to the letter from Mr. Rose alluding to the 80 parking spaces on the CISAT campus for the student occupants. There being no others desiring to be heard, the public hearing was declared closed at 7:58 p.m., and the regular session reconvened. Mayor Eagle expressed his concern that Mr. Neff had not provided

all of the 235 parking spaces on the property that the motel was constructed on. He questioned why there were not enough parking spaces available on the property as it was his understanding that Planning Commission had recommended approving the special use permit based on all the 235 on-site parking spaces being provided on the property with the motel. He said that the 80 parking spaces on the adjacent property will be subject to soccer games and other events being held and not available at times for student parking. Discussion included location of the motel, on site parking spaces, designated parking spaces on adjacent property, soccer field parking, soccer practice and game fields, bike racks, landscaping, and the eventual plan to convert the building into a full-fledged commercial motel with 75 suites which will only require 75 parking spaces. They also discussed that perhaps a nice restaurant should complement the motel in the future once it is converted back to a motel. Planning and Community Development Director Turner also clarified that City's regulations require an area equal to 15% of the area to be used for parking to be landscaped. She also noted that the ordinance does not really define landscaping except to define it as landscape. The 15% area does not have to be grass but can contain plant material. The 15% planned landscaped area was met when the site plan was reviewed. Council Member Byrd offered a motion to approve the recommendation of the Planning Commission for a special use permit under the conditions as presented (including the two letters referred to by Mr. Neff regarding the parking spaces which calls for 80 spaces to be on the CISAT campus). The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request for a special use permit to allow a "Major Family Day Home" in an R-1 Residential District. She explained that this is a request by Tarie A. Warner-McHone and Doris H. Warner to operate a major family day home at 1190 Westmoreland Drive. The purpose of the request is to provide child day care for up to twelve children under the age of thirteen in the residence of the provider, exclusive of any children who reside in the home. The current residential zoning classifications states that five or fewer children not including the ones living in the home can be cared for in the home and is in coordination with the State code. She said Planning Commission held a public hearing and no one spoke in opposition, however, during the meeting Planning Commissioner Sipe mentioned that he had been contacted by several people in the area who did have some concerns with this request, therefore, he did vote in opposition to the request. However, the remainder of Planning Commission did recommend approval with the following conditions. The first condition is that the major family day home will operate five days a week (Monday thru Friday). The second condition is that it will only operate between the hours of 7:00 a.m. and 6:30 p.m. The third condition is that a maximum of twelve children, exclusive of the provider's own children, may be kept on the premise of the major family day home. The fourth condition is that parents/guardians shall drop-off and pick-up children at staggered intervals to avoid traffic congestion in the neighborhood. The fifth condition is that only one employee, in addition to Mrs. Warner-McHone, shall be hired in connection with the major day home. The sixth condition is that the major family day home shall be licensed by the Department of Social Services as a condition of the special use permit. The special use permit is valid for two years only. At the end of this period, Planning Commission will assess the impact of this permit on the neighborhood and will then consider extension of the Special Use Permit. With these conditions attached, Planning Commission did recommend approval of the special use permit to allow a "Major Family Day Home" in an R-1 Residential District with Mr. Sipe voting no.

At 8:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 28, and Monday, November 4, 1996.

**NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS**

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 12, 1996, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the following request:

Request by Doris H. Warner and Tarie Warner-McHone for a special use permit to allow a major family day home at 1190 Westmoreland Drive. A major family day home is defined as "a child day care program offered in the residence of the provider or in the home of any of the children in care for six through twelve children under the age of thirteen, exclusive of any children who reside in the home, when at least one child receives care for compensation." The property is identified as Block Map 87-J-1 and is zoned R-1 Single-Family Residential.

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

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Steven McHone speaking on behalf of his wife explained that she wanted to provide an educational day care for at least six children. She would be teaching some readiness skills for Kindergarten. He said that his wife does has a teaching degree from Bridgewater College in Nursery through Fourth Grade. He said that they plan on meeting every condition that the Planning Commission recommended.

Helen Hanson questioned whether the basement in the house would be a walk-out basement and if there are bathrooms downstairs. Mr. McHone replied that the basement was a walk-out and that the downstairs did not have any bathrooms but one was located at the top of the stairs. Mayor Eagle mentioned that Council members had received a letter from Grayson Alexander who has lived in the neighborhood for 28 years. He expressed concern that allowing a business in an R-1 Residential District could weaken zoning, cause noise, pollution, more traffic, many turnarounds by parents during the day and could affect property values. There being no others desiring to be heard, the public hearing was declared closed at 8:25 p.m., and the regular session reconvened. Council Member Byrd commented that the City will see more and more day care facilities requests in the future. He expressed his concern because he said there are already day care facilities operating

within the City's permissive zoning district. Therefore, he did not see a real hardship in this case. Vice-Mayor Lantz commented that he agreed with Council Member Byrd because it would set a precedent for all future requests. He also said it would hurt the value of property. He suggested that perhaps this type of business could be located downtown. Vice-Mayor Lantz offered a motion to deny the request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner reported on the most recent survey for a proposed Historic District and to consider applying to have Harrisonburg's downtown listed in the Virginia Landmarks Register and the National Register of Historic Places. She explained that at a previous Council meeting Council Members had suggested that property owners be resurveyed in the proposed historic district. Mrs. Turner said 71 surveys were mailed and the responses from this survey include 19 owners in favor of National Register designation, 34 owners opposed and 10 owners are still undecided. In addition, staff left telephone messages for 8 property owners, with no response. She reviewed a color coded map regarding the responses of the historic district. She said that they received a letter from Mark Sternheimer, owner of the A&N building, which stated that he was opposed to declaring any portion of downtown Harrisonburg as a historic district. Mayor Eagle commented that according to the map there did not seem to be any particular pattern concerning supporting or not supporting the historic district.

John Adams stated that he was opposed to the proposed historic district for downtown Harrisonburg. He said it will limit the rights of the property owners and we should not sell our freedom in return for tourist dollars. It will limit freedom of speech because it could lead to a formed committee telling people what they can do with their property. The community should speak out against this proposed district.

Tanies Rontopoulos said that he owns a small restaurant on East Market Street. He said the history of Harrisonburg is in its people and suggested that there are some older buildings that need to be replaced because the City is really growing. But, he said he was opposed to the historic district because it will blanket an entire area which would give property owners no choice. We should maintain the ability to give each property owner the opportunity to choose.

Ben Fordney spoke in favor of the proposal. He said the arguments for a historic district have not been really properly understood. In many cases there is some misinformation which is circulating in the community particularly over the possibility of controls. It has caused a paranoid fear on some property owners. He pointed out that according to the latest survey there still are a significant number of people who have not responded for one reason or another. Many property owners are concerned that there will be restriction on their property if the historic district is created. But, he said that simply would never happen unless the City Council enacted it. The historic district would give Harrisonburg a sense of identify because some of it has been lost and we should act to encourage the preservation of what is left. Mr. Fordney strongly urged Council to postpone a vote until more facts are made available.

Mrs. Turner clarified that if it was decided to proceed with this application then the rest of the nomination procedure would be handled by the State Department of Historic Resources which would also conduct a survey of property owners. If a majority of the property owners at that time do not want to proceed with it then the honorary designation would not be granted by the state. She also noted that at the state level if somebody does not respond to a questionnaire or indicate their

opposition it is interpreted as consent to go ahead with it. They do not call people on the telephone or sent out multiple inquiries like the Community Development Department has done.

Craig Moore owner of the Joshua Wilton House said that he wanted to address some concerns and issues that have been misinterpreted around the community. He read a quotation from a manual from the Department of Historic Resources. It states that listings in the National Register may qualify property owners for Federal tax credits or other benefits administered by the Department of Historic Resources. Listing does not restrict or prevent an owner from alterations, tearing it down, or otherwise disposing of the property, nor does listing dictate what an owner must do with their property. He said that listing recognize a property is importance and invites its preservation. Mr. Moore noted that Harrisonburg was the only County seat or City in the Shenandoah Valley that is not designated a historic district. He added that there are 219 historic district designations in the State of Virginia. He pointed out that the Joshua Wilton House has received its own historic designation and after building an addition onto it last year, no one told him what color to paint it, what kind of roofing material to use, what building design to use, or what kind of windows to install.

Albert Constable stated that he owns the Waterman Building on Court Square which is a historic building in Harrisonburg. He said that he went to a lot of expense to sandblast the building to get it back to its original brick. He noted that he was very proud of his building. Historic designation is not a control but something that needs to be preserved.

Bob Bersson, who is active in the Citizens for Downtown Committee, argued the designation could help the Shenandoah Valley cash in on a better share of the state's \$10 billion in tourist revenues. The Shenandoah Valley is a major tourist designation in Virginia, but unfortunately our image is not that good nationally or internationally. Tourists are the lowest impact and the most clear profit industry of all. Tourists are here today and gone tomorrow. They spend a lot of dollars while they are in a City or town and that money quickly spreads throughout the population. We need to define, highlight and market our downtown historic district. He suggested Council enact a local historic designation if the state process fails.

Mensel Dean said we have a great Country when one Vietnam Veteran can be on one end of the issue and another one on the opposite end. He said he owns property in the proposed historic district. A historic district could enhance the appearance of the area without decreasing the property values or causing unreasonable restrictions on the use.

Hugo Kohl stated that downtown in a fairly moderate state of disrepair. There are a tremendous amount of vacancies in the area. He referred to a booklet which stated that there will not be any restriction on property owners whether they tear the property down or renovate it. In addition, there will be a tremendous tax credit.

After a lengthy and considerable discussion expressing many concerns and issues, Mayor Eagle relinquished the chair to Vice-Mayor Lantz at 9:00 p.m., and offered a motion based on the results of the survey to discontinue the process of applying for a historic district. The motion was seconded by Council Member Green, but the motion failed with a three to two recorded vote of Council with Vice-Mayor Lantz, Council Member Rogers and Council Member Byrd voting no. At 9:02 p.m., Vice-Mayor Lantz relinquished the chair back to Mayor Eagle.

Hugo Kohl and Anne Stephens, Executive Director for First Night, requested support for the festival by closing certain downtown streets and approval for a fireworks permit. Ms. Stephens said that the request is consistent with last year's street closings. Council Member Green offered a

motion to approve the request. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request for a Final Subdivision Plat approval for Harmony Heights, Section 9A. She said the property is located west of Virginia Avenue and the request is to divide the subject property into nine lots. A preliminary subdivision plan for Sections 9A and 11 were approved by the Planning Commission in January 1996 and the applicant is only seeking a final plat approval of Section 9A. Construction plans have been approved, deeds of easements have been reviewed and Planning Commission has recommended approval. Vice-Mayor Lantz 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.

Planning and Community Development Director Turner introduced a request for a Preliminary and a Final Subdivision Plat approval for the Florine K. Ney property, located at Tax Map Parcel 19-C-9 and 10. She said the property is located at 911, 913, 915, 917 and 923 South High Street. The site is nine and a half acres and the request will divide the parcel into two lots. Lot 9A would consist of approximately five acres and lot 10 would be a little over one acre. The purpose is to create smaller lots for sale and/or development. Four retail units currently exist on lot 10, and the applicant proposes to use lot 9 for future commercial use. The applicant anticipates further residential development on the proposed lot 9A, where there is currently one single family residence. The request met all subdivision and zoning requirements and Planning Commission did recommend approval. Council Member Rogers offered a motion to approve the request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented for Council's consideration of a first reading an ordinance amending Section 11-5-4 of the City Code to permit residential development identification signs in the R-1, R-2, R-3, R-4 and R-5 zoning classifications. Mrs. Turner explained that residential zoning classifications did not have a mechanism for permitting residential development identification signs. Prior to the revisions to the City Code in April 1996, R-1 and R-2 zoning classifications were not expressly permitted to have development identification signs (as for subdivisions). These were permitted in the R-3 for the multi-family developments. When everything was combined and consolidated R-1, R-2, R-3, and R-4 were grouped together and the language was adopted from R-1 and R-2 zoning classifications. In order for our ordinance to clearly allow these types of signs, a slight change is necessary. In addition, to this change the new R-5 zoning classification should be added to the other residential classifications covered by Section 11-5-4. The recommended change in Section 11-5-4 would be as follows: Special regulations for the R-1 single-family residential district; R-2 residential district; R-3 multiple dwelling residential district; and R-4 planned unit residential district *and R-5 planned single family residential district* into the title. In the next paragraph add the words *and R-5 planned single family residential district* and under number one where it states that permanent signs shall be limited to nonresidential uses add the words *and residential development identification signs*. Council Member Byrd offered a motion to approve the recommended changes in the ordinance for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner presented recommendations to approve the Capital Improvement Program FY 97-98 through FY 2001-02 and to set a public hearing

date for the Capital Improvement Program for November 26, 1996. Mrs. Turner explained that Planning Commission reviewed the proposed Capital Improvement Program in October 1996. Presentations were made by each Department Head on any new projects included in the CIP. Planning Commission did recommend approval following a lengthy discussion and an extract from that meeting was included in Council's packet. Council Member Rogers offered a motion to set a public hearing date for the Capital Improvement Program on November 26, 1996. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner reported on a meeting with telecommunications providers which included representatives from Shentel, Cellular One, and CFW, a private consultant and Mr. Warren Dillenbeck. City Council requested this information. She said staff met with these telecommunications providers and local experts in the field to review the City's current provisions for telecommunications facilities and to discuss what sites meet the interest of the industry and the community. In addition, they also discussed whether there are ways for facilities to be combined, reducing the total number of stand alone facilities. Mrs. Turner said that she was not sure they answered these concerns at the meeting. A map was presented and reviewed by the people attending the meeting. However, the telecommunications providers stated that trying to pinpoint exact sites was not practical at this time. They did mention that several PCS licenses have yet to be awarded by the FCC and they thought any future discussion of this needed to include those three additional licensees. They suggested having another meeting after the first of the year. Discussion included the pro's and con's about co-locating antennas on multi-towers, locating antennas on existing building structures, permitting accessory uses in R zoning ordinances, and perhaps the definition of accessory use needed to be cleaned up so there would be no doubt where antennas are allowed. Another meeting will be held after the first of the year.

Assistant City Manager Baker presented a request to consider closing Reservoir Street during bridge construction. He explained that plans for construction of a replacement bridge over I-81 when Reservoir Street is widened has been reviewed. Discussion has primarily been of whether to close Reservoir Street to traffic or keep one lane open during bridge construction. Such things as cost of construction, public inconvenience, public safety, length of time for construction, etc. have been considered. Leaving one lane open will require the center line to be shifted south resulting in other changes. The alignment of Reservoir Street has to be shifted which requires additional fill material and additional right-of-way. It would also take about three months longer to re-construct the bridge if one lane is kept open. Based on engineer estimates the additional cost would be approximately \$400,000 to keep one lane open. Estimated time to construct the bridge is approximately nine months if Reservoir Street is closed. Construction could begin in the spring of 1998 once bids have been submitted and awarded. To keep one lane open will cause a constant source of irritation to the traveling public. Council Member Rogers offered a motion to close Reservoir Street during the bridge construction. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Public Works Director Baker introduced a request for Council's consideration a first reading for an ordinance amending and re-enacting Section 6-2-5 of the Harrisonburg City Code. He stated that the purpose of the code revision is to make it unlawful to throw snow or ice into streets and sidewalks. This amendment to the ordinance should allow the department some additional leverage

when they have difficulty with individuals who totally ignore or push snow out into the streets during a heavy snow fall. He explained that the department has a lot of difficulty with people who are upset because once the street has been plowed sometimes the snow is pushed back into their driveways. Occasionally snow which is plowed from the streets is thrown or plowed back into the street from private drives, lots or walks which can create safety concerns for motorists. The ordinance will provide a more effective measure to deal with repeat offenders. Council Member Rogers offered a motion that Section 6-2-5 be approved for a first reading and recommended that the Public Works Department mail a letter stating that this ordinance has been enacted to those businesses which have been identified in the past of pushing snow back into the street. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. This requested money from drug forfeiture account in the general fund will be transferred to the Police Department's budget to purchase radio equipment. Council Member Green offered a motion to approve this request for a first reading, and that:

\$33,500 chge. to: 1000-31916 Drug forfeitures

\$33,500 approp. to: 1000-310131-48131 Radio equipment

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

City Manager Stewart presented a request to transfer funds from Sanitation Fund to Capital Outlay to Capital Projects Fund in the amount of \$20,000. These funds will be used for emission work at the Steam Plant which is a requirement to continue to operate the plant in accordance with our permit for emission control. This will allow the City to complete the work that is currently under contract. Council Member Green offered a motion to approve the transfer of these funds.

\$20,000 chge. to: 2014-972043-48286 Steam Plant

\$20,000 approp. to: 2014-992042-49216 Transfer to Capital Projects.

\$20,000 chge. to: 1324-34270 Transfer from the Sanitation Fund

\$20,000 approp. to: 1324-910141-48682 Retro-fit Steam Plant

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

Council Member Rogers stated that he had received a letter from Ms. Nellie Cave concerning an accident that she was involved in at the intersection of Hawkins Street and Vine Street. She said that her car had been totaled in the accident and recommended that the stop light on both sides should have yield green arrows. Several accidents have happened at this intersection and she suggested that the appropriate department should look into the unsafe conditions at this intersection.

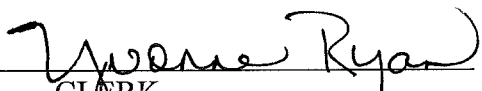
Vice-Mayor Lantz stated that he had received several telephone calls concerning the personal property tax. These people complained that they were not aware of any deadline for filing of personal property before acquiring a penalty. City Manager Stewart stated that personal property forms must be filed by May 1, of every year or there will be a 10% penalty added to the tax.

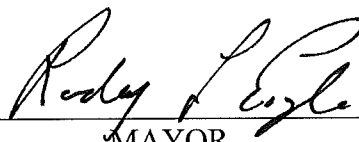
At 9:59 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Central Shenandoah Emergency Medical Services Council, Harrisonburg Parking Authority, Harrisonburg Electric Commission, Harrisonburg Parks and Recreation Commission, and recommendation to Circuit Court for the appointment of Board of Equalization 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 an existing contract and 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. Discussion and consideration of the acquisition of real property to be used for public purposes, 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 Byrd, and approved with a unanimous vote of Council.

At 11:45 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was read and 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 Green offered a motion for the following people to be appointed to these Boards and Commissions: Carl B. Harman and Brenda Lenhart to a first term on the Harrisonburg Electric Commission; Joan Krumm and Conan G. Showalter to a second term on the Parks and Recreation Commission and that Jack S. Neff, Edwin M. Cook, Irvin C. Lee, J. Nelson Liskey and Edward P. Shank should be recommended to the Circuit Court for appointment on the 1997 Board of Equalization. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:50 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

NOVEMBER 26, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

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

Human Resource Director McBride introduced five new City employees: Charlie Honaker and Keith Mongold, Public Works Department; Bob Brown and Brent Gerald, Community Development Department; and Claudia Clark, Parks and Recreation Department.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes as amended, and the second reading of an ordinance amending and re-enacting Section 6-2-5 and Section 11-5-4 of the Harrisonburg City Code. The motion also included the second reading of a supplemental appropriation for the Police Department and setting a public hearing date of December 17, 1996 to consider an alley closing. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:40 p.m., Mayor Eagle 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 16, and Saturday, November 23, 1996.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, November 26, 1996, 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 1997-98 through 2001-2002. The Capital Improvement 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.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Planning and Community Development Director Turner presented the 1997-98 through 2001-2002 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a five-year schedule of capital projects defined as being \$20,000 or greater. It is a financial planning tool, but it is not the budget. She reviewed only the new projects with a priority one or two ranking in the report. Included in the report is a new digital communication recorder for the Police Department and a new roof for Fire Station No. 4 located on Rock Street. The Municipal Building needs an electrical upgrade system because it is not designed for today's computer technology or the heating and cooling demands placed upon it. The Municipal Building also needs to upgrade the telephone system and paint the exterior of the building. A City wide drainage study needs to be conducted, especially of the storm water drainage. The City Registrar indicated that she has an increasing need for storage of records and additional space. But, Mrs. Turner noted that it might be possible to move that office into the Municipal Building which does have the appropriate space. New to the program is the North Main Street bridge culvert which would replace a pipe culvert near Johnson Street. Another new item is a bridge preventative maintenance program which includes replacing sealant on the deck surface, repainting, sealing cracked concrete, repairing the approach pavement areas to cut down hopefully some of the major repairs and expenses. The Parks and Recreation Department involves a new front end loader, concession stands, restrooms, and adding lights on the little league ballfield at Purcell Park. Repairing the four tennis courts at Eastover Park was in last year's CIP. Other new projects include, replacement of a tractor and re-wiring of the softball lights at Purcell Park. All of the school projects would be contingent upon the \$10,000,000 bond issue. Mrs. Turner said that new projects for the Water and Sewer Department include a new meter reading system, emergency power project, and the Washington Street tank project which they combined with another project in the last year's CIP. Also included is \$3,000,000 for the Harrisonburg/Rockingham Regional Sewer Authority Biological Nutrient Removal Program. The City/County metering site is a new project installing necessary connection and controls that would allow the City to accept water from the County in times of emergency. The only other new project in the sewer fund is the Blue Ridge subsection. There were no new projects within the Transportation Fund, just some replacement and additions to the transit and school buses. There are several new projects in the Sanitation Fund including a replacement of the steam plant transfer truck, replacement of some equipment at the recycling center and the biggest item is the County Landfill closure and monitoring program mandated by the Department of Environmental Equality. A new project in the Central Stores Fund is to construct a new central warehouse which would significantly help the City by purchasing bulk items. Planning Commission reviewed the CIP projects at its October 28 meeting and recommended approval. There being no one desiring to be heard, the public hearing was declared closed at 7:58 p.m., and the regular session reconvened.

Mr. Bill Blessing, Chairman of the Transportation Safety Commission, presented a proposal for reorganization of the Transportation Safety Commission. He said that the Transportation Safety Commission mission is to promote and enhance transportation safety in Harrisonburg. The responsibilities of the commission include identifying current and potential safety problems, being aware of ongoing and available transportation safety activities programs, and making recommendations on applying appropriate programs to the problems to City Council. He reviewed the responsibilities of the commission and summarized that the commission would develop a data base of information. He emphasized that the Transportation Safety Commission understood that it was not its responsibility to carry out safety programs for the City's agencies, but only be available to assist in these programs. Since Council had expressed concern with having a large proposed number of members, the Commission proposed having six voting members, City Council and staff non-voting representatives, and non-voting representation from colleges and other agencies.

Mr. Jeff Miller, Coordinator for the Harrisonburg Jaycees, presented a request from the Jaycees concerning the Christmas Parade. Because the parade will be very large this year, including 200 entries and 1,000 people participating, he requested that one lane of South Liberty Street be closed to accommodate the parade lineup and to alleviate congestion in the municipal parking lot. The lane closure will be an added safety measure. Vice-Mayor Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the Harrisonburg Junior Woman's Club to hold an Arts and Crafts Festival on June 7, 1997. Mary Messerly, the group representative, said that the festival held last year had been very successful and hoped that it will grow. Because of the festival's success, the group is requesting earlier approval. Council Member Rogers offered a motion to grant the request of Harrisonburg Junior Woman's Club. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Human Resource Director McBride presented a request of modifications to the City's Personnel Policy Manual. He said these modifications were recommended by a team of employees responsible for analyzing the results of a recent employee survey. The first modification recommended is a change to worker's compensation policy. This change would enable employees who are injured and on worker's compensation to earn vacation and sick leave while being on worker's compensation. The team of employees felt that this was a policy that penalized employees who were injured on the job. In addition, the City has a fairly aggressive return to work program that focuses on getting employees back to work. The next recommended change would deal with catastrophic sick leave. Currently under the City's sick leave policy an employee is limited to 48 hours of sick leave each calendar year to care for an immediate family member. There was concern by the team that these situations, though extremely rare, would place an undue hardship on an employee and his or her family. This modification would allow the City Manager to approve the use of sick leave for up to twelve weeks of accumulated leave or part of the shared leave program in the event of a catastrophic injury or illness to an immediate family member. A catastrophic illness or injury would require doctor's certification and is consistent with the provisions in the Family and Medical Leave Act. The third recommended change clarifies that the option of providing paid overtime or compensatory time is at the discretion of the employing department. This will bring the

language into consistency with the current policy in place. Council Member Rogers offered a motion to approve the modifications to the Personnel Policy Manual as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration acquiring right-of-way for the Neff Avenue Extended project. He explained that agreement had been reached with all the property owners except two. A final offer has been made to these two property owners based on the City's appraisal. Mr. Thumma said that he had prepared on behalf of the City a "Certificate of Take" since no agreement could be met with these two property owners. He requested that Council give the Mayor the authority to sign the papers on behalf of the City so it can proceed with the project. Vice-Mayor Lantz offered a motion authorizing the Mayor to sign the certificates. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart reminded everyone of his November memo indicating that the Parking Authority would like to have a meeting with Council at its next regular meeting to discuss the BMI Parking Report. They will be meeting on December 11, 1996 at 8:00 a.m. and offered as an alternative anytime in the afternoon that might be convenient for Council. They would like to discuss the report and need some directions as where to go with a variety of parking issues in downtown. Following further discussion, Council agreed to meet with the Parking Authority at its regular Council meeting on December 17.

At 8:32 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Central Shenandoah Emergency Medical Services Council, Harrisonburg Parking Authority, Harrisonburg/Rockingham County Compact for Student Success and recommendation to Circuit Court for the appointment of Board of Equalization 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 three (3) proposed contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:30 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement 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 Green offered a motion for the following people to be appointed to these Boards and Commissions: Robert L. "Robin" Wells, Jr. to a first term on the Harrisonburg Parking Authority and that Richard H. Collins, Edwin M. Cook, Irvin C. Lee, J. Nelson Liskey and Edward P. Shank should be recommended to the Circuit Court for appointment on the 1997 Board of

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

At 11:32 p.m., there being no further business and on motion adopted the meeting was adjourned.



CLERK



MAYOR

REGULAR MEETING

DECEMBER 17, 1996

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Byrd delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and to set a public hearing date of January 28, 1997 to consider a grant for the Police Department. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 7:36 p.m., Mayor Eagle 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 7, and Saturday, December 14, 1996.

**NOTICE OF INTENTION TO VACATE
A PORTION OF COLLEGE AVENUE
SOUTH OF DOGWOOD DRIVE
IN THE CITY OF HARRISONBURG**

**City Council Chambers, Municipal Building
Tuesday, December 17, 1996
7:30 p.m.**

The Harrisonburg City Council will hold a public hearing on Tuesday, December 17, 1996, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider an application to vacate an undeveloped portion of College Avenue, south of Dogwood Drive in the City of Harrisonburg.

A request of Eastern Mennonite University to vacate a portion of College Avenue, just south of Dogwood Drive, consisting of approximately 21,492 square feet, in the City of Harrisonburg.

A copy of the recommendations of the City Planning Commission along with copies of the plat showing the portion of the street 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.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Planning and Community Development Director Turner introduced a request from Eastern Mennonite University to close the remaining portion of College Avenue just south of Dogwood Drive. She explained that there is an abandoned water line located within the proposed street closure area. Eastern Mennonite University owns all immediate adjacent lots to the street. There is a sewer line in the right-of-way and appropriate easements will have to be provided at the time of the street closure. The Planning Commission considered the request at its meeting and recommended approval.

Mayor Eagle called on anyone present desiring to speak either for or against the street closing. Roger Williams, attorney for Eastern Mennonite University, said that in 1979 the other portion of College Avenue was closed. The only reason this remaining portion was not closed was because EMU did not own all of the property on both sides of the strip. This portion no longer serves the purpose of a public street. Eastern Mennonite University only uses it. The vacating and closing of this portion of College Avenue will facilitate the future development of EMU's adjacent property. Carl Thompson, a resident living at 1401 College Avenue, questioned the location of the new building and whether it would be across from the Roselawn building. He suggested that an entrance to a parking lot at the corner of Park Road and Dogwood Drive would be convenient for the neighbors. Traffic could then come off Park Road into the parking lot rather than all the traffic coming onto Dogwood Avenue. There being no others desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve this request for a first reading and to appoint a Board of Viewers, consisting of Marshall Firebaugh, Ralph Smith and Wilmer C. Byrd, Sr., to review the request. The amended motion also included that the Board of Viewers present its report before the second reading. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Ken Huffman, a representative from Phibbs, Burkholder, Geisert & Huffman, presented the 1995-96 Comprehensive Annual Financial report. He said that the City received a "Certificate of Achievement for Excellence in Financial Reporting" which is awarded by the Government Finance Officers Association of the United States. Again this year the City will receive an unqualified opinion which he commented can be credited to the excellent work of the Finance Department working with his staff.

Planning and Community Development Director Turner introduced a request for a Final Subdivision Plat approval for Harmony Heights, Section 11. She said the property is located west of Virginia Avenue approximately 2,000 feet north of Virginia Avenue and Harmony Drive. The request is to subdivide the property into 35 duplex lots for a total of 70 dwelling units. The property is zoned R-3 Residential which meets all zoning requirements and Planning Commission did

recommend approval. There was some concern at the Planning Commission meeting about the density of this development and projected school enrollment figures. While it is a concern, the developer stated that his development is really aimed at a different market. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request for a Preliminary and a Final Subdivision Plat approval for the Dorothy Steele property located at 1154 Rockingham Drive. Mrs. Turner explained that Mrs. Steele was requesting a variance from Section 10-2-42(g) of the subdivision ordinance because of a lot dimensional width. The site has approximately 21,880 square feet and is divided into two lots. The purpose of the request is to move a lot line to enclose an existing carport which does not meet current side yard setback requirements of 10 feet. Mrs. Steele also owns the adjacent property. Although this would solve the setback problem, Lot B would remain less than the 80' width required by the zoning ordinance. However, Lot A being an unusual shape and Lot B would come very close to having the required 80' width. Therefore, Planning Commission did recommend granting the variance and approving the final plat because of the clear hardship due to the unusual shape of the property. Council Member Byrd 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.

Assistant City Manager Baker presented a resolution concerning Shenandoah-Potomac River Basins Tributary Nutrient Reduction Strategy. Mr. Baker explained that Council had endorsed the "Potomac Basin Strategy" which is a plan to improve water quality and help restore living resources in the Chesapeake Bay. It is a voluntary program requested by the State, but each region has been asked to develop its own plan. The goal is to achieve and maintain a 40% reduction of controllable nutrient loading into the rivers which is being met by the Shenandoah Valley. However, the Northern Virginia area, which is a part of this region, is not meeting that goal therefore, resulting in a 4% gap for the basin wide goal. In order to close the 4% gap the State is proposing that the rest of the region help the Northern Virginia region. This would relieve Northern Virginia of its responsibility in helping to achieve a 40% reduction goal and place the burden on the more rural areas of the State. This is viewed as unfair and unwarranted and therefore should not be endorsed. In order to insure the City's position is understood, the proposed resolution should be adopted and forwarded to our representatives in the General Assembly prior to January 1, 1997. Council Member Green offered a motion to adopt the resolution as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a resolution amending the City of Harrisonburg's deferred compensation plan. He explained that the City has had a deferred compensation program since the mid 80's through the ICMA 457 program. This past Congress enacted some legislation that changes the format for the deferred compensation program. In the past the proceeds from the deferred compensation program were available if a local government went into bankruptcy. With this new legislation the money is held in trust by the local government for the employees and this resolution would put that into place for the City of Harrisonburg. Contribution to the deferred compensation plan is 100% employee contribution. The City puts no funding into the deferred compensation program. To meet Federal law effective January 1, 1997, Council needs to adopt the resolution.

Council Member Green offered a motion to approve this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

**RESOLUTION TO AMEND
THE CITY OF HARRISONBURG, VIRGINIA'S
DEFERRED COMPENSATION PLAN**

Name of Employer: City of Harrisonburg, Virginia Employer Plan Number 301949

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the Employer has established a deferred compensation plan for such employees that serves the interest of the Employer by enabling it to provide reasonable security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Employer has determined that the continuance of the deferred compensation plan will serve these objectives; and

WHEREAS, amendments to the Internal Revenue Code has been enacted that require changes to the structure of and allow enhancements of the benefits of the deferred compensation plan;

NOW THEREFORE BE IT RESOLVED that the Employer hereby amends and restates the deferred compensation plan (the "Plan") in the form of:

☐ **The ICMA Retirement Corporation Deferred Compensation Plan and Trust**

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose. The Trustee's beneficial ownership of Plan assets held in the ICMA Retirement Trust shall be held for the further *exclusive benefit of the Plan participants and their beneficiaries*;

BE IT FURTHER RESOLVED that the Plan:

☐ **Will not permit loans, but reserves the right to reconsider at a later date.**

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan.

I, Yvonne Ryan, Clerk of the City of Harrisonburg, do hereby certify that the foregoing resolution, proposed by Council Member Green, was duly passed and adopted in the Council meeting of the City of Harrisonburg at a regular meeting thereof assembled this 17th day of December, 1996, by the following vote:

AYES:

Mayor Rodney L. Eagle
Vice-Mayor Hugh J. Lantz
Council Member John H. Byrd, Jr.
Council Member Walter F. Green, III
Council Member Larry M. Rogers

NAYS:

ABSENT: None

Clerk of the City of Harrisonburg, Virginia

City Manager Stewart explained that Planning Commission had reviewed the Capital Improvement Program and recommended approval. A public hearing was held at the November 26 Council meeting and no one spoke in opposition. Vice-Mayor Lantz offered a motion to approve the Capital Improvement Program. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Public Works Director Baker presented a resolution for Rail/Highway Grade Crossing Safety Improvements Projects. Virginia Department of Transportation is making this resolution request to develop projects for the improvement to installation of safety devices at three railroad crossings in the City. Although five railroad crossings were identified, only the Paul Street, West Market Street and Gay Street crossings will be funded in this project. The City's cost is \$40,000 which is ten percent in matching funds for the project. Funding for the project will be available in October 1997 with possible construction beginning in the spring of 1998. Council Member Green offered a motion to approve this resolution as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Public Works Director Baker presented a request for additional funds for the Gay Street Bridge replacement project due to a design change. Mr. Baker explained that core drillings by the City's engineers had indicated that adequate bedrock would be available for one of the bridge's abutments. However, when it came time to place the bridge abutment only a few feet from the drillings, the contractor discovered inadequate bedrock. A plan to use steel pilings to stabilize the abutments failed when the pilings could not provide sufficient footing because of underground boulders. It was then decided to stabilize the abutment's foundation by using boulders. Mr. Baker said the additional work will cost \$50,000, but he was only asking for \$40,000 because of the work the contractor has done in trying to rectify the situation. The additional money will come out of the City's Reserve for Contingency funds. A completion date has not been determined because of the change order and inclement weather. Following further comments and discussion, Vice-Mayor Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. These funds will be used to recover money spent for overtime for a Division of Motor Vehicles selective enforcement grant. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$10,000 chge. to: 1000-32520 Police DMV Grant

\$10,000 approp. to: 1000-310131-41020 Salaries/Wages Overtime

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

City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. These funds will be used to adjust the budget to record the payment made by Crestar Bank to Kovatch Mobile Equipment for the new ladder fire truck. This truck is being purchased by means of a lease purchase. Several Council Members commented that other localities have received contributions from universities toward purchasing fire equipment. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$350,000 chge. to: 1000-34112 Loan proceeds

\$350,000 approp. to: 1000-320132-48265 Fire truck and equipment

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

Vice-Mayor Lantz announced that the Deer Population Task Force has met several times since City Council enacted a policy recommended by the Deer Population Task Force on September 10, 1996. The recommended procedures are being followed by the Police Department and the Virginia Department of Game and & Inland Fisheries. Several inquiries have been made concerning the kill permit and an educational program was presented on a local radio station.

City Manager Stewart announced that a special Council meeting will be held on December 30, 1996 at 8:00 a.m., to consider a resolution approving the issuance of multi-family housing revenue bonds by the Harrisonburg Redevelopment and Housing Authority for a project in Spotsylvania County. If the deal is closed, the Housing Authority has agreed to split their fee and the City will receive \$40,000.

City Manager Stewart announced that the Virginia Municipal League has scheduled a Legislative Day on February 6, 1997. The event which normally starts after lunch continues through the evening. Mr. Stewart requested that if anybody wishes to attend, please advise his office.

City Manager Stewart explained that he had asked City Attorney Thumma to review information from the VML concerning a proposal to abolish sovereign immunity for local governments. City Attorney Thumma explained that after reviewing the information he was drafting a letter and suggesting that Council direct the Mayor to sign it taking the position that Council was opposed to this legislation. If the sovereign immunity is removed, it exposes the City to additional financial impacts through potentially higher insurance premiums and/or direct payments for damages. In the past the City's and public funds have been protected and received immunity from certain type of claims. This new legislation would place a much greater financial burden on the City.

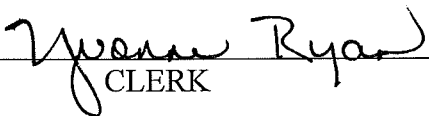
It was the consensus of Council to authorize City Attorney Thumma to draft a letter for the Mayor's signature.

At 8:35 p.m., Council Member Byrd offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Central Shenandoah Emergency Medical Services Council, Harrisonburg Parking Authority, and the Deer Population Task Force 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. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:25 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement 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 Green offered a motion that Curtis Kite, 957 Broadview Drive, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2001. The motion was seconded by Council Member Rogers, 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

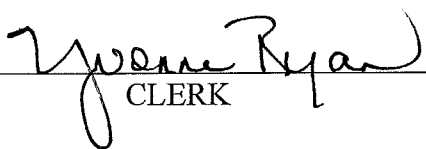
SPECIAL MEETING

DECEMBER 30, 1996

At a special meeting of Council held this morning at 8:00 a.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; and City Clerk Yvonne Bonnie Ryan.

James Sipe, Attorney for the Harrisonburg Redevelopment and Housing Authority, explained that HRHA wants to issue Multi-Family Housing Revenue Bonds to finance a project in Spotsylvania County. The bonds will not be an obligation of the City or the Harrisonburg Redevelopment Housing Authority nor impact the City's debt limit. Council Member Rogers offered a motion to approve the resolution as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 8:10 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR