

REGULAR MEETING

JANUARY 14, 1997

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 of the December 17 and December 30 City Council meetings, and the second reading of an ordinance closing a portion of College Avenue. The motion also included the second reading of a supplement appropriation for the Fire Department and Police Department. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a resolution establishing February 1997 as PetFix Month 1997. The PetFix Coalition has requested that February 1997 be designated as PetFix Month through a proclamation issued by Governor George Allen encouraging citizens to spay or neuter their animals. Council Member Green 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 for Council's consideration an amendment to the City Code concerning the Transportation Safety Commission. He explained that the Transportation Safety Commission had made a presentation to Council on November 26, 1996 requesting changes that would allow additional membership on the Commission including six voting members, City Council and staff non-voting members, and non-voting representation from colleges and other agencies. However, Council did not take any action on the reorganizational request and if Council wants to make the changes, the City Attorney needs to be directed to draft the changes. Council Member Green suggested that any action be postponed until he could study the proposed change and talk to members who have served on the Transportation Safety Commission. Council Member Rogers offered a motion for Council to study the requested change and make a recommendation at the January 28 Council meeting. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration a request to increase the fee for the Board of Viewers from \$25.00 to \$50.00 each. He explained that the fee has been \$25.00 for years and it is the responsibility of the applicant to pay the Board of Viewer's fee, application fee, advertising cost and assessed value of the property. Council Member Green offered a motion to approve this request for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for a supplemental appropriation to increase revenue in the Treasurer's budget. These funds will be used for postage for decal forms, second half real estate mailers, second notices on personal property, and office supplies. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$10,000 chge. to: 1000-31010 Amount from fund balance

\$ 9,300 approp. to: 1000-121313-45210 Postage
 500 approp. to: 1000-121313-45230 Telecommunication
 200 approp. to: 1000-121313-46010 Office supplies

The motion was seconded by Council Member Green, 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 for fire programs, E-911, Hazmat supplies and purchasing breathing apparatus which has had a delayed delivery. By legislation, these funds may only be used for their intended purpose. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$89,710 chge. to: 1000-31010 Amount from fund balance

\$29,406 approp. to: 1000-320132-48203 Fire program funds
 27,001 approp. to: 1000-350532-45240 E-911
 7,460 approp. to: 1000-350532-46160 Hazmat supplies
 15,840 approp. to: 1000-320132-46140 Other operating supplies

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

Council Member Rogers suggested that perhaps the City and County should work together to recommend that VDOT remove the median strip located on Route 42 south in front of Exxon and Dayton Equipment. He explained that it is a very dangerous situation and there should be a wider turn lane. Several Council Members expressed their concern with the narrow turn lane and commented that they had discussed the issue before. They also wanted more information on the issue and suggested that perhaps Jim Baker, Director of Public Works, should attend a future Council meeting.

City Manager Stewart announced that Congressman Goodlatte would like to meet with City Council and the Board of Supervisors to discuss any issues and important concerns and suggested January 30, 1997 at 4:00 p.m. Council members suggested that the meeting should be held in the Municipal Building.

At 7:55 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, Blue Ridge Disability Services Board, Industrial Development Authority, Deer Population Task Force and a recommendation to Circuit Court for

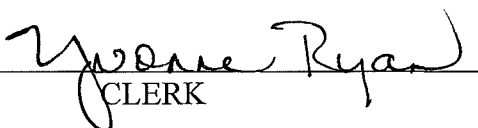
the Board of Zoning Appeals, and the evaluation of a City department, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:50 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following 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 asked that the pay study recently completed by the Human Resource Director be implemented as soon as possible.

Council Member Byrd offered a motion for the following people to be appointed to these Boards and Commissions: Dawn Monger to the Deer Population Task Force, Edward J. Baldwin, Jr., to a second term on the Blue Ridge Disability Services Board, Douglas Gaylor to a first term on the Central Shenandoah Emergency Medical Services Council, and that Charles P. Bilbrey should be recommended to the Circuit Court for a second term on the Board of Zoning Appeals. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:52 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

JANUARY 28, 1997

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 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 the second reading of an ordinance amending and re-enacting Section 6-1-22 of the Harrisonburg City Code. The motion also included the second reading of a supplemental appropriation for the Fire Department and Treasurer's Department. The motion was seconded by Council Member Green, 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, January 14, and Tuesday, January 21, 1997.

NOTICE OF PUBLIC HEARING

**City Council Chambers
Tuesday, January 28, 1997
7:30 P.M.**

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 28, 1997, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens regarding the proposed use of funds paid under the Local Law Enforcement Block Grant as it relates to the Harrisonburg Police Department's entire budget. At this hearing, persons shall be given an opportunity to provide written and oral views to the City Council about the Department's budget and the relation of the Grant to the entire budget.

**STEVEN E. STEWART
City Manager**

Mayor Eagle called on anyone present desiring to speak for or against the local Law Enforcement Block Grant.

Colonel Don Harper stated that the local Law Enforcement Block Grant is issued by the United States Department of Justice to assist localities in improving public safety. A public hearing must be held in order to receive these funds which will be used to purchase radio equipment replacing mobile units in some of the police cars. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve block grant funding as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Margaret Nichols, Administrator for the Virginia Municipal League Insurance Programs, presented an outstanding Safety Performance Award for the year July 1, 1994 until June 30, 1995 to the City of Harrisonburg by the Virginia Municipal Liability Pool. She said the Virginia Municipal Liability Pool is a non-profit group self-insurance association sponsored by the Virginia Municipal League. The pool provides general liability and damage insurance for more than 100 local governments. The safety awards are presented annually to "encourage and recognize improvement in loss control performance". Mayor Eagle thanked Ms. Nichols for the award and said that he hoped the City could receive the award again.

Dr. J. W. Good, Superintendent of Harrisonburg City Schools, presented a resolution from the Harrisonburg School Board requesting authorization to file an application with the Virginia Public School Authority for up to \$11,600,000 in general obligation school bonds. He explained that the City has made significant investments in Keister, Spotswood, and Waterman Elementary Schools and that the School Board wants to continue the wise use of City funds in extending the life of these facilities a minimum of 20-25 years. The School Board and staff have thoroughly studied the needs addressed by the renovations and are committed to the simultaneous completion of the projects. Schools officials reiterated that they believed the best way to make the improvements was to proceed with the bond issue to shorten the period of time of construction, lessen disruption to the education process and be more cost efficient.

Walter Kurt stated that he did not want taxes increased to cover the cost of issuing the bonds and questioned whether any other bonds would be issued in the next five years. He said that he was concerned about future bond indebtedness. City Manager Stewart explained that there is nothing currently in the adopted Capital Improvement Program to issue any debt over the next five years. Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver, explained that the Virginia Public School Authority requires a governing body to approve the submission of an application. It does not commit the Council to proceed forward, but only is a preliminary step in the application process. Council Member Green explained that although he was against any more capital indebtedness, he was not against the schools. He explained that he had requested figures on the City's indebtedness since 1987 when renovations and additions began at Thomas Harrison Middle School, Harrisonburg High, Waterman Elementary, and Stone Spring Elementary. The interest fee the City has paid during this time period has been \$9 million. At the end of this fiscal year the City will still owe \$32 million in school bonds including interest and principal. To issue another \$11.6 million in bonds will require raising taxes or seeking another source of income. He encouraged phasing in these improvement projects from budgeted amounts rather than through borrowing. He also mentioned that the City has several large projects plus a reduction in income from HEC. Mayor Eagle reiterated that he was concerned about the debt, but some of the problems at these schools are maintenance problems. He said, "I am from the school of pay-as-you-go. If there is a way we can

do it and still get the job done I think that is the way to do it and I would be the first to say that I would not be opposed to a tax increase if that's what it takes and that's what we need". Discussion included using literary funds, interim Industrial Development financing or other alternate affordable ways for funding these projects. Vice-Mayor Lantz stated that he thought the School Board understood that City Council would like to phase these projects in over some time instead of taking on more debt. Council Member Green reminded Superintendent Good and the School Board Members that he had requested other alternative methods be considered before issuing any more bonds. He said, "I am very surprised that you cannot state how much it would cost to repair a cafeteria or a roof at any of these schools". Vice-Mayor Lantz commented that perhaps bids should be encouraged from local contractors on the small projects. Following further discussion and comments, Council Member Rogers offered a motion not to grant the School Board permission to apply for the \$11,600,000 general obligation school bond and he encouraged the School Liaison Committee to offer an alternative plan. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Pursuant to the recent discussion concerning the "Two In-Two Out" rule, Fire Chief Shifflett read the following memorandum addressed to the City Manager:

In my previous report to you concerning "Two In-Two Out", I identified the problem currently faced by this department in relation to this issue. The problem is that due to this regulation the level of customer service provided to the citizens of this community will be affected by OSHA's requirement to have two firefighters outside a structure anytime you commit firefighters to an interior fire attack. The impact of this regulation was listed as follows:

- 1. Fewer usable firefighters on the fire ground.*
- 2. Delayed fire attack.*
- 3. Longer burn time for the structure.*
- 4. More frequent, and more severe firefighter injuries.*
- 5. Higher fire loss.*
- 6. Lower level of customer service.*
- 7. Adverse public opinion due to firefighters not performing as before.*

The report also lists eight questions which were posed to help determine how we needed to address this situation. All of these questions focused on customer service issues. Also, the first paragraph of the last page of the report indicates that we have taken the necessary steps to immediately comply with this issue, however, our commitment to comply with existing manpower levels is completely inadequate in terms of providing services to the public, and providing a reasonable level of risk to our firefighters. Nothing in this report indicates our need to comply with this issue out of fear of OSHA fines.

Since this situation was made public, the Daily News-Record has published several articles on this subject. The article published on January 23, 1997 titled "False Alarm" states, four different times, that OSHA does not impose fines on local governments for OSHA violations. The article does not dispute the fact that this regulation is a valid OSHA regulation. The underlying message in this article appears to be that, even though we have a valid OSHA regulation, it is acceptable for the City to break the law, because, even if we get caught, they can't do anything about it? This article has changed the focus of this issue from one of a customer service issue for the citizens of Harrisonburg, to one of, is it acceptable to break the law if you won't be penalized. There

is a statement in the article which says that Harrisonburg officials said that violations would carry penalties. Neither myself, nor to my knowledge, any City official, have addressed the issue of OSHA penalties, as the focus of our efforts have been on customer service, and not on fines or penalties. My first report to you on this subject contains no mention of OSHA penalties for non-compliance, nor is it listed as one of the impacts to the City contained in that report.

The article states that, according to Mr. Tom Seymore, Director of Safety and Industrial regulation for OSHA, in Washington, D.C., these regulations have been in effect since 1971. The implication with this statement is that these regulations have been in existence for 26 years, and the fire department is just now citing them. I spoke with Mr. Seymore at approximately 3:30 p.m., Friday, January 24, and asked him about his comment. Mr. Seymore stated that his comments were not as were written in the newspaper article. He indicated that the regulations which were adopted in 1971 were part of a standard adopted by the American National Standards Institute (ANSI), which dealt with the use of respirators, and the need for personnel standing by during hazardous operations, in industry, and did not apply to firefighters. According to Mr. Seymore, it was not until sometime in 1995 that the International Association of Firefighters inquired as to how OSHA intended to apply their standards to the issue of interior firefighting. In May of 1995 Mr. James Stanley, Deputy Assistant Secretary of Labor, issued a memo to regional and state OSHA offices providing instructions that NFPA 1500, which was amended in July 1993 (see attachment), and which contains the "Two In-Two Out" requirement, should be referenced in relation to enforcement of OSHA regulations involving interior firefighting operations. A copy of Mr. Stanley's memo was included as part of the original "Two In-Two Out" memo, and contains a May 1, 1995 date. Virginia OSHA (VOSHA) notified Virginia fire departments early in 1996 that this was an issue we would have to address, and this department began to address the issue in August of 1996.

An editorial published on January 24, 1997, again states that there are no penalties or fines associated with this regulation and again seems to foster the attitude that it is acceptable for the City to ignore this regulation. It also only very casually mentions the fact that the only penalty for violation may result "where accidents may occur, prompting civil litigation". Civil litigation which finds fault with the City for willful non-compliance with this issue would dwarf many times over any fines which may have been imposed by OSHA.

Since the January 23 "False Alarm" article, I have spoken to three attorneys in relation to this issue, as to whether or not this is an issue which the City could, or should ignore. On January 23, and January 24, I spoke with Mr. Bruce Morris, former Commonwealth's Attorney for Rockingham County, and now Deputy Secretary for Public Safety for the State of Virginia. Mr. Morris stated that this was an issue, as with any OSHA issue, which should not be ignored. Although there are no penalties issued through OSHA, in the event of serious injury, or death, if willful non-compliance can be proven, civil penalties may occur, and if the result is death, wrongful death charges could be placed.

On Thursday, January 23, I spoke with Mr. Russell Stone, of the Virginia Attorney General's office who stated that these regulations "needed to be complied with", and cited the possibility of the same civil and criminal penalties as Mr. Morris.

On January 24, I spoke with Mr. Robert Fields, who in an Agency Management Analyst Senior, with VOSH. In my conversation with Mr. Fields, I informed him of the attitude expressed by the newspaper article that this was an issue that, because there are no fines, we should choose to ignore, with his response being "that's not exactly what we would say". He went on to cite the possibility of civil and criminal penalties for willful non-compliance, just as Mr. Morris, and Mr.

Stone had. When asked for his advice he responded "I think you should do two in - two out anyway you can".

Two of the three attorneys to whom I spoke received a fax of the "False Alarm" news article. When asked their opinion of the article, both attorneys described it as "totally irresponsible".

In closing this report, I stress the following issues:

1. This was not an issue for which the fire department went looking. As stated previously, Virginia fire departments were notified by VOSHA in early 1996 of the need to begin planning as to how to comply with these regulations.
2. The ability of OSHA to levy fines for non-compliance is not the issue, nor has it been cited as being a part of the issue. The issue is the level of customer service the City Council, and the public, expects from the fire department. As stated in the original report, the fire department currently complies with this regulation, however, that compliance means that we must wait for three companies to reach the scene of a fire before interior fire attack can begin. When this issue was presented to City Council, the impact of these regulations was discussed, as was the need to wait for three companies to arrive on the scene before making an interior attack. One of the first comments from any of the councilmen was "the public will not stand for that", and that, not OSHA fines, is what this issue is about.
3. The "False Alarm" article included the information that these regulations were prompted by firefighter unions. While that may have startled some readers of the paper, that information was also discussed with council when the report was presented.
4. As stated before, the "False Alarm" newspaper article has succeeded in changing the focus of this issue from one of customer service, to one of monetary penalties. If monetary penalties is the basis on which the out-come of this issue is decided, then we should turn our attention to the possibility of monetary penalties imposed by civil litigation and criminal prosecution, rather than OSHA's ability to levy fines.
5. This is an OSHA regulation. If we can ignore this regulation, then we can ignore every other OSHA regulation with every City department complies, such as the need to wear hard hats, the need to shore or slope ditches to prevent cave-ins, the need to provide shields on grinding wheels in mechanical shops, etc.
6. It is my impression that the "False Alarm" article was written by a reporter who did not understand the issues. This is evidenced by the conversation which I had with the reporter on the afternoon before the article appeared in the paper in which he stated that he "had not read Mr. Mellott's notes", and proceeded to ask "why don't you just send more trucks to the fire"? When I explained that our normal response to a residential structure fire is three engines and the ladder truck, he asked "why don't you just put more people on the trucks"? His lack of understanding would also explain the discrepancy concerning Mr. Seymore's remarks that these regulations had been in effect since 1971.

This lack of understanding of the issue has managed to shift the focus of attention away from the real issues, and irresponsibility suggest that because OSHA will not levy fines against a locality, that the City should ignore the law. The end result is that the reporter who wrote the story, wrote only half of a story. That half of a story generated a terrific headline, but failed the community, in that the reporter chose not

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OF BOOK T

DISCOVERED 2
MISSING PAGES

Yvonne Ryan
City Clerk

to address the real issues, issues such as delayed fire attack, increased personal loss due to fire, reduced levels of customer service, and increased hazards to our fire personnel.

That half a story also damaged the credibility of the Fire Chief, in that it leaves the impression that the Fire Chief tried to pull a "fast one", and the City Manager and City Council were gullible enough to let him do it.

7. Regardless of what has transpired concerning this issue, the issue is still unresolved. To ignore this OSHA regulation is not a viable option. As stated before, the Fire Department is in compliance with this issue. However, our compliance is based upon three fire companies arriving at the scene before interior fire attack begins. To do nothing more means that we have chosen Option 1 as listed in the original report, which is, "Do nothing. Accept the situation as it is. Accept the higher fire losses. Accept the delayed fire attack. Accept the reduction in available fire ground personnel. Accept the increased hazard, and the possibility of more frequent, and more serious injuries for our firefighters. Accept the lower level of customer service, and the adverse public opinion".

Tom Moffett, a resident of the City and a firefighter, stated that Fire Chief Shifflett had presented a very thorough reply to an uncomfortable set of circumstances that firefighters have faced in the field. He noted that Fire Chief Shifflett had pushed for a three man engine company for the safety of the firefighter before the 1971 "Two In-Two Out" rule. If we have to wait and are questioned by a citizen about the waiting time, then it is a customer service issue that will have to be addressed. He said that after listening to the School Board requesting additional funding everybody wants a piece of the pie. By the nature of the work, firefighters face very dangerous circumstances and have requested three men on an engine company to improve safety. Council Member Rogers commented that Council is aware of the safety issue concerning the "Two In-Two Out" rule and supports it. City Manager Stewart commented that Harrisonburg will continue with the current policy while continuing to look at other cost-effective options including whether to add additional firefighters. He said that he wanted to do what was appropriate and best for the City while protecting firefighters, property and citizens, but recommended proceeding cautiously. Fire Chief Shifflett commented that the City is in compliance with the rule but they do have to wait for three fire companies to arrive before any interior action can be taken. Volunteer firefighters, if properly

trained are counted in the "Two In-Two Out" rule, however, due to competition for an individual's time, the City does not have a lot of volunteers.

Mayor Eagle presented a request from Judge Paul to relocate the Lower Courts Facility. He stated that he, Council Member Byrd, Roger Baker, and Steve Stewart, had been on-site to review the proposal. However, he expressed some concerns with the projected higher costs to renovate the office space, but said there is a definite need for the larger facility. Further discussion included the higher per square foot cost, a need for the space including more privacy, receiving controlled cost bids for the project, and whether there was a need for a lounge or extra bathroom. Council Member Green offered a motion to proceed with the request to provide office space for the Lower Courts Facility and recommended that the cost should not exceed \$100,000. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Public Works Director Baker presented a brief report on median strips. He explained that VDOT had received a request from Rockingham County Board of Supervisors concerning a median strip located on South High Street between Erickson Avenue and Dayton town limits. The Staunton District office will review this request and a recommendation will be made in several weeks. He said that he also reviewed median strip removals on East Market Street, Old Furnace Road, Vine Street and Country Club Road area. He noted that the left turn lanes are very short in these areas and the median strips are protection creating a barrier to separate the traffic. If the median was removed in some of these areas, it would cause the traffic to back up resulting in a safety issue. He suggested leaving the median strips in place because of the volume of traffic and the many citizens using the intersections.

City Manager Stewart presented for Council's consideration an amendment to the City Code concerning the Transportation Safety Committee. He explained that the Transportation Safety Commission had made a presentation to Council on November 26, 1996 and another request was made on January 14 for the amendment change, but was tabled. Again, Council Member Green suggested that any action be postponed until he could study the proposed change and talk to members who have served on the Transportation Safety Commission.

City Manager Stewart presented a request for a supplemental appropriation for the Transportation Department. These funds, which are in excess of the state and federal budgeted amount, will be used to purchase two (2) transit buses. No additional local funds are required. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$22,680.00 chge. to: 2013-32518 Transit - Cap Grant State Funds
 1,566.00 chge. to: 2013-32518 Transit - Cap Grant State Funds
 37,531.00 chge. to: 2013-32519 Transit - FTM State
 216,000.00 chge. to: 2013-33305 Transit - Capital Grant Federal
 20,890.00 chge. to: 2013-33305 Transit - Capital Grant Federal
 43,250.00 chge. to: 2013-33306 Transit - Operating Federal

\$314,990.00 approp. to: 2013-872081-48253 Transit Buses
 10,000.00 approp. to: 2013-812081-41020 Salaries & Wages - O/T
 16,927.00 approp. to: 2013-812081-44200 Central Garage

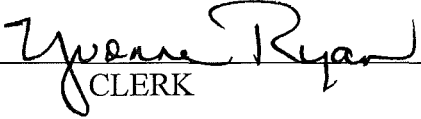
The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.


City Manager Stewart announced that a meeting with Congressman Goodlatte has been scheduled for January 30, 1997 at 4:00 p.m., in Council Chambers.

At 9:55 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 Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to an existing contract and a new 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 12:10 a.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 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 12:11 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

FEBRUARY 11, 1997

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 which included the second reading of a supplemental appropriation for the Public Transportation Department. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

The public hearing to consider Planning Commission's recommendation to a request for a conditional rezoning of 15.28 acres (located along Peach Grove Avenue), from R-1 Single-Family Residential to R-5 Planned Single-Family Residential (Conditional) was withdrawn by Jared S. Scripture from Harrisonburg Community Associates.

Planning and Community Development Director Turner introduced a request to rezone 1.34 acres located at 1416 South Main Street from R-3 to B-2 (Conditional). She explained that the purpose of the rezoning request is a desire to develop a Rite-Aid commercial use on the site. The subject property presently contains three buildings, two of those are multi-family dwellings units and the third is a single-family dwelling unit. The comprehensive plan recommends that this property be used for the professional land use category. The professional land use category is intended for areas designated for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares. This type of land use in the comprehensive plan, is used to provide a land buffer from residential uses, mainly single-family, against more intensely commercial uses. That also provides an alternative for some larger, older homes in the area to be used for something other than residential purposes. Because of the proximity of this site to the single family neighborhoods fronting on Bluestone Drive, staff did have many concerns about compatibility between this commercial use and the residential area nearby. In evaluating the impact of what this type of use would be on the surrounding areas, staff did look at some buildings within the City including commercial, free standing, and buildings of similar size. The only similar use was the one directly across the street which houses 7-11 and several other commercial uses. After the applicant heard about staff's concerns they proffered several more conditions and at the Planning Commission meeting, two additional conditions were proffered. Mrs. Turner reviewed the proffered conditions which the property could and could not be used for, limitations on hours of operation and deliveries, construction of a six (6) foot board fence, and landscaping between such board fence and the paved area of the subject property. In addition the applicant also proffered several conditions in connection with this rezoning request including that

the building will be no larger than 11,500 square feet and one story in height with a brick exterior. Limitation on hours of operation and deliveries will be between 7:00 a.m. and 11:00 p.m. Restrictions on outside storage of materials and all exterior light fixtures will be located in the rear portion of the property. The company developing the property will be responsible for the cost associated with the installation of a new or modified traffic signal since the current signal is a three-way signal and it will be necessary for this development to have a four-way signal. Mrs. Turner noted that since these conditions were proffered, staff did feel comfortable that the surrounding neighborhood will be amply protected. Planning Commission recommended that the request be approved. In addition two letters of support were received from adjacent property owners.

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 Monday, January 27, and Monday, February 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, February 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Rezoning

- 1. Request by SBL Corporation of Virginia, Inc. to rezone 1.34 acres located at 1416 South Main Street from R-3 to B-2 (Conditional). The property is identified on the Harrisonburg Block Maps as parcel 11-C-48 and 11-C-1, 2, & 3. The Comprehensive Plan recommends this area for professional use.**

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:

Roger Williams, attorney for SBL Corporation of Virginia, the contract purchaser for the lots in this rezoning request stated that the proposal before you tonight is a reasonable one. He also noted that Bob Mills, an officer with SBL Corporation of Virginia, and Jeff Hanson, area construction manager for Rite-Aid Pharmacy, were present to answer any questions. Mr. Williams stated that compatibility is a key issue. City staff has been very helpful with the fact that this is admittedly a B-2 use, but we

have attached many conditions to be cognizant of the fact that the R-1 Residential neighborhood is behind this lot. He said that he had spoken with all the six immediate adjoining property owners and significantly all six agreed with this rezoning request. Overall there are two reasons why these property owners favor this request -- one relates to the currently existing student housing use that would be replaced. The second reason is that the property owners can tell that a real effort has been made in trying to address all the concerns that had occurred to them. The proposal makes good zoning and land use sense. South Main Street is the main commercial thoroughfare in the southern part of the City and there is already commercial development along South Main Street even at this location. It is fair to indicate that it is probably no longer reasonable to expect that residential uses on the east side of South Main Street continue to be the most viable use of the property at this location. Mr. Williams displayed the architect's drawing of the Rite-Aid Pharmacy. This is an attractive one story building which will replace a very large three story student housing building. There is a drive thru on the south side, to accommodate drive thru prescription service. He stressed that the proffered conditions will apply to this property even if years from now Rite-Aid does not own this property. He reviewed the substantial buffer along the rear property lot. Mr. Williams reiterated that this would be an attractive development for the City, provide a good tax revenue and requested that Council vote in favor of the rezoning request.

Bob Mills, with SBL Corporation, stated that this project is about a two and one-half million-dollar investment on SBL's part. It will employ approximately ten to twelve new people and do a volume of three to four million-dollars in business. There are definite advantages for this store to be located in the City. Mayor Eagle acknowledged a letter received from Kathryn Atchison Clark, a resident from 1411 Bluestone Street, which stated that although her property was presently zoned R-1, "I feel that rezoning the above-mentioned parcels to B-2 Conditional will be an improvement to our neighborhood. I have studied the layout plan of the proposed Rite Aid store and the proffered condition, and feel that the project would be a plus for the community".

Judy Miller, a resident living at 1429 Valley Street, presented the following statement to City Council: *As a resident of the Purcell Park neighborhood for over twenty years, I have continually supported the neighborhood's efforts to remain a safe, viable low density single family residency. As a part of the City, we have recognized that growth and development is expected, and with this expansion, comes the inevitable problems of meeting the changing needs of the residents of the City. Our uniqueness as a part of the changing has been determined not only by its borders of expanded Port Republic Road and JMU, I-81, popular Purcell Park, and a well-traveled Route 11, but the residents - families that have raised their children and remain after 45-50 years, middle-aged residents, and increasingly new young families - all of which make a viable contribution to the City of Harrisonburg. Over the years, families and that is the key word for our neighborhood, have faced head-on the issues affecting our safety and viability and those visiting our area. Diligently, we continue to work with City officials concerning traffic and zoning. And now we face another major possibility that can greatly affect our Purcell Park neighborhood.*

My concerns are threefold:

1. *In keeping with the Comprehensive Plan recommendation for professional offices to border our low density neighborhood on Route 11, why would the City even consider the placement of a high volume business such as Rite-Aide, and what would this action dictate for the future "recommendations" on our bordering Port Republic Road and the rest of the block on Route 11?*

2. *Although Rite-Aide can provide such services as pharmacy and food mart, the fact that such a volume of beer and wine as sold in other areas only reinforces my concern that a mixed message is being sent to students residing on and off campus. I am wondering when the City is going to be a part of the solution to the problem of rising use of alcohol among college students by not supporting every beer store that wants to locate near this University.*
3. *When the third stoplight was put in place on South Avenue and South Main Street, we expressed our concern that more traffic will want to avoid all the lights between the Port Republic Road and South Main Street. We envisioned more cut-through traffic as shown in the attached letters. A rise from 637+ to 1900+ over a four year period as documented by the Street Department confirmed our expectation. With an additional light, what does the City envision for our neighborhood? We already know.*

The families in my neighborhood accept growth and change, but controlled, reasonable and appropriate. Let's make sure our City crosses its bridge into the 21st Century with the farsightedness of our Comprehensive Plan as its foundation. Let's make sure that the neighborhood's quality of life is protected as well as Purcell Park.

Art Fovargue stated that he was opposed to Rite-Aid coming into this location. The selling of alcohol is a very big concern, and the traffic cutting through the neighborhood. To avoid the shoppers at Rite-Aid people will try to get around the bottleneck by using the shortcut through the neighborhood.

Gary Cron, owner of the 7-Eleven store at 1435 South Main Street, presented a letter in which he strongly expressed his opposition to the proposed rezoning. He said to change the timing of the traffic signal will not solve the problem. The intersection is presently inadequate to handle those who patronize it. The current volume of traffic, both from South Avenue and from South Main Street, backups during many hours of the day at this intersection. People cut through our parking lot constantly to avoid the light and the congestion. Many folks take dangerous chances to get in or out of the lot due to the backup of traffic. Furthermore, there are no sidewalks on South Avenue to accommodate the hundreds of college students who commute on foot to JMU. Furthermore, many more students pass through the intersection on bicycle, frequently ignoring proper traffic laws, adherence, and common sense. "I believe logic and wisdom, when properly applied to this situation, strongly validates the wisdom of the comprehensive plan and of my objectives to this rezoning".

Tim Green representing Sonshine Coin Laundry expressed his opposition to the construction of a Rite-Aid Pharmacy. He said the proposed change in rezoning should be denied for three main reasons including traffic flow, necessity, and current options. The corner of South Main Street and South Avenue can be congested during critical times of the day. Difficulties in traffic flow already occurs and any addition in traffic would only increase the current problem and the spending of needless tax payer dollars to alleviate traffic congestion. The area abounds with convenience stores. The current pharmaceutical and convenience store needs of college students and community individuals are adequately supplied. If Rite-Aid's main interest is pharmaceutical, there are other locations already zoned commercially, which would be more suitable for this commercial development.

Marion Jameson stated that she did object to Rite-Aid being located at this location, but not to the southern end of the City. The store should be placed in a better location where traffic can easily be handled. She expressed concern about the site use and mentioned that since there is no back entrance to the store for deliveries, it will be necessary for all deliveries to come through the customer parking area. After living through the construction of Port Republic Road and South Main

Street intersection it is very dangerous for cars to use a shortcut through the neighborhood. There being no others desiring to be heard, the public hearing was declared closed at 8:26 p.m., and the regular session reconvened. Discussion included location selection, volume of business at the store, the 30 college students living in existing buildings, safety of the intersection, heavy traffic area, increased alcohol sales, and one business opposing another business coming into the area. Vice-Mayor Lantz offered a motion to refer this rezoning request to the Planning Commission for further study and recommendation. The motion was seconded by Council Member Rogers, and approved with a four to one vote with Mayor Eagle voting no.

Planning and Community Development Director Turner introduced a request for a special use permit to operate a business office for a 24-hour answering service in an M-1 Industrial District on Virginia Avenue. This property is located on the eastern side of Virginia Avenue, north of the intersection of Virginia Avenue and Sixth Street, which is actually a paper street. Mrs. Turner explained that Ms. Alicia Shoemaker, owner of People's Choice Answering Service, has requested a special use permit to operate a 24-hour answering service in the M-1 Industrial District. District regulations allow for business and professional offices only by a special use permit. The area surrounding the site is zoned M-1 General District Industrial containing a variety of land uses including single family residence, Culligan's Water Conditioning, Jerry's Auto Sales, and Senger's Refrigeration and Appliance Center. The land use guide generally recommends this area for residential uses; however, the comprehensive zoning is in M-1 General Industrial District. Staff did recommend approval of the special use permit, as the proposed answering service would not be a detriment to the surrounding area. This is proposed to be a small business and since the lot only contains 12,500 square feet in area really could not support a large use of any type of industrial or any other use. The applicant has stated that the office will average between six (6) and ten (10) employees, with fewer employees working during the evening hours. Likewise, customers seldom visit their office due to the nature of the business. There was some concern at the Planning Commission meeting about the number of parking spaces shown on the proposed site plan, however, the applicant has been made aware of the situation and they will work out details during the site plan review process. Planning Commission did recommend approval of this request.

At 8:45 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, January 27, and Monday, February 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, February 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Special Use Permit

- 1. Request by Stanley and Lois Simmers (owners) and Alicia N. Shoemaker (contract purchaser) for a special use permit to operate a 24-hour answering service in an M-1**

Industrial District. The site is located on the eastern side of Virginia Avenue, north of the intersection of Virginia Avenue and Sixth Street, which is a "paper street". The property is identified as parcel 40-F-5&6 on the City of Harrisonburg Block Maps. The Comprehensive Plan recommends this area for neighborhood residential use.

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 meeting.

CITY OF HARRISONBURG
Steven E. Stewart
City Manager

Mayor Eagle called on anyone present desiring to speak either for or against this special use permit. Alicia Shoemaker, owner of People's Choice Answering Service, stated that she was here to request the special use permit. The answering service would be an access to the community, it is a low key business, would generate very little traffic, and because of the small lot would be limited to certain businesses.

Keith May, agent for the applicants, stated that he was supporting this request because of the 12,500 square foot lot which would limit its uses. It is a clean business with very little retail traffic. There being no others desiring to be heard, the public hearing was declared closed at 8:53 p.m., and the regular session reconvened. 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 to amend Section 10-3-22 of the Harrisonburg City Code. She explained that this request to the Zoning Ordinance would permit enclosure of existing porches with roofs which do not meet height or setback requirements. This request came to the Planning Commission from the Board of Zoning Appeals which had reviewed a request to enclose a screen porch which did not meet minimum setback regulations. The Board of Zoning Appeals thought that it should be permitted by right and could be remedied by a change in the general ordinance language. Planning Commission did review the request and discovered that Rockingham County has a very similar provision which allows non-conformance. She said that Planning Commission is recommending that the language of Section 10-3-22 be amended to read: Enlargement or restoration of nonconforming buildings as: An existing porch or carport with a roof that is nonconforming as to height or setback regulations but devoted to a conforming use may be enclosed, provided that such addition does not compound the existing nonconformity as to setback and height regulations. In an event that enclosing a porch or carport creates a public safety problem, such enclosure will not be allowed. Planning Commission did recommend approval of this provision to the zoning ordinance.

At 8:55 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, January 27, and Monday, February 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, February 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendment and Changes

- 1. The City Council will hold a Public Hearing to consider revision of Section 10-3-22 of the City of Harrisonburg Zoning Ordinance pertaining to enlargement and restoration of nonconforming buildings.**

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 amendment to the zoning ordinance. Council Member Byrd questioned whether the public safety problem was a matter of decision by the Zoning Administrator or Community Development Department, site vision, or habitable structure, fire codes, etc. Mrs. Turner replied that the decision will be made by the Zoning Administrator because that person is charged with making a decision in the administration of this issue. The City Engineer or Building Official will request more information from the applicant. There being no others desiring to be heard, the public hearing was declared closed at 9:00 p.m., and the regular session reconvened. Council Member Rogers offered a motion to amend Section 10-3-22 of the Harrisonburg Zoning Ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

✓ Jeff Obenschain reported on the Harrisonburg Rescue Squad. He said the Harrisonburg Rescue Squad was first organized in 1949, to work in conjunction with Harrisonburg Fire Company. The all volunteer organization provides emergency medical, rescue, and transport services to the residents of the City. With limited equipment and little training, but tremendous dedication they excelled at their task setting high standards for those who would follow in their footsteps. Today the Harrisonburg Rescue Squad is still faithfully and proudly providing that essential service, only it is not as easy as it once was. The year of 1996 was one of record growth and challenges for the

Harrisonburg Rescue Squad. It now struggles to be not only a competent, caring neighbor during times of trouble, but also an efficient business during times of decreased funding. He reviewed the various equipment which has increased in cost. Greater calls obviously require greater resources, hospital and field training, specialized training, cardiac life support training and updated specialized equipment. He appealed for additional financial assistance for the Harrisonburg Rescue Squad to achieve their goals both now and in the future. The Harrisonburg Rescue Squad is committed to providing the best pre-hospital care to the citizens and visitors of Harrisonburg. Mayor Eagle commented that the report contained many facts and that the Harrisonburg Rescue Squad does a tremendous job and it is a valuable service.

Fire Chief Shifflett presented an updated report on the "Two In-Two Out" rule. He explained that there have not been many follow-ups concerning the rule. The department does have the information and it is just a matter deciding how to deal with the situation. He reviewed the list of cities that are similar to Harrisonburg in their manning level.

Bill Blessing, Chairman of the Transportation Safety Commission, clarified part of the proposal presented to City Council in November 1996. He said restructuring the membership of the commission by adding several voting members from the business and industrial community was very important. He questioned the responsibilities of the Transportation Safety Commission since the City Code only spoke about membership and tenure. The commission has not focused on safety in the community. He suggested that the commission become pro-active rather than a reactive entity. Other safety commissions in Virginia have gone beyond being reactive and only responding to certain issues. Following further discussion and comments, Vice-Mayor Lantz suggested that Council Member Green represent City Council in discussing these issues with the Transportation Safety Commission.

City Manager Stewart presented a request for a supplemental appropriation for FEMA funds. This will put FEMA funds in the accounts that paid for flood repairs from both the January 1996 and September 1996 floods. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$160,589 chge. to: 1000-33525 FEMA reimbursement - Flood damage

\$ 634 approp. to: 1000-310111-41020 Salaries & wages - Overtime
 2,320 approp. to: 1000-320132-48181 Building & grounds
 43,366 approp. to: 1000-410211-43374 Maint. & repairs - Allowable
 1,130 approp. to: 1000-410741-46070 Maint. & repairs - Supplies
 19,876 approp. to: 1000-710171-43360 Maint. & repairs - Buildings & Grounds
 87,661 approp. to: 1000-990111-49241 Transfer to Water Fund
 3,309 approp. to: 1000-990111-49242 Transfer to Sewer Fund
 2,293 approp. to: 1000-990111-49260 Transfer to Central Stores operating Fund

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

Vice-Mayor Lantz presented a brief report on the Deer Population Task Force. He explained that three deer have been killed by using the kill permit. The Deer Population Task Force has presented an educational program on a local radio station, they have supplied landowners with the ordinance and signs have been erected in the major deer crossing areas. Assistant City Manager Baker stated that several members of the group hope to present a program on the local television station. The group is collecting data to be used for information in a report. The next City Hall Update article that appears in the Daily News-Record will contain information about discouraging deer from getting into flower and vegetable gardens. The group also hopes to have a one page handout available soon.

At 9:42 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 Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to two (2) new contracts requiring the provision of legal advice by the City Attorney, exempt from the public meeting requirement pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for a public purpose, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:32 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.

At 11:33 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

FEBRUARY 25, 1997

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.

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes of the January 28 and February 11 meetings, and the second reading of an ordinance amending and re-enacting Section 10-3-22 of the Harrisonburg City Code. The motion also included the second reading of a supplemental appropriation for FEMA and setting a public hearing date of March 25, 1997 to consider an alley closing. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Dr. Willard Lutz, Public Health Dentist, presented his annual report on the dental clinic activities. He explained that services during the last year included diagnostic, preventive, restorative, endodontics, oral surgery, sealants, and others. Since Council agreed to fully fund the dental program because of reductions in state funding in August 1996, Dr. Lutz questioned whether the program would be funded for another five years. In September 1996 all dental services were eliminated for adults except maternity patients, but the program continues to provide dental services for children. He said that he would like to continue providing preventive services in the schools and hopefully make children aware of the importance of brushing. All referrals come through the schools. Mayor Eagle stated that Council will consider his comments and review how the program has been supported in the past.

Maureen Shannon representing the Chamber of Commerce read the following letter concerning Spring cleanup:

It is time to plan for Cleanup WEEK in the Valley!!!! The Harrisonburg Rockingham County Chamber of Commerce Environmental Concerns Committee takes its commission from the Chamber very seriously. We have the colossal task of raising the awareness of OUR community regarding recycling and taking care of Mother Earth.

To that effort, The Environmental Concerns Committee held a very successful Household Hazardous Waste Collection last Fall and are planning another one this year; and the Spring of the past two years a Cleanup Day, which some of you attended a few years back. Well, it is that time of year again and our Committee wants to make this the best Cleanup Day yet and that is where you come in.

We have orchestrated a challenge for you, the Harrisonburg City Council to meet the Rockingham County Board of Supervisors on Monday April 21st at 2:00 p.m. The Committee has selected two parcels of adjoining land on 33 East where each group will begin on the far end and pick up trash for one hour working back to the middle. At the end of that hour we will meet and have a bag count. The "team" who has the most bags of garbage will receive our honorary "garbage collection" award.

While this is all in good "clean" fun, our message is a bit more serious. We need to send a message and we need your help. The Environmental Concerns Committee will be making challenges throughout the school system, the business community and to all members of our community. Our message is: the time is now; and the challenge is: to do something now. Your participation and support of this event will show your constituents that you care too.

The action that we request of you today is to make a commitment to your community by accepting this challenge and joining with us in an effort to raise the awareness of our community about what you and I can do to help.

A CLEAN COMMUNITY BEGINS WITH YOU!

WE ARE STEWARDS OF THIS EARTH AND WHAT WE DO ABOUT IT TODAY MAKES A DIFFERENCE IN WHAT WE HAVE TO LEAVE TOMORROW.

Thank you.

Mayor Eagle accepted the challenge and stated that City Council will win.

City Manager Stewart explained that after a successful Fundfest concert series in 1995 and 1996, 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. The Fundfest concert series will begin in May 1997. Mr. Stewart said that the City has not experienced any problems with the concert series over the past two years. Council Member Rogers offered a motion to approve the concert series. 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 from Stone Spring Village, Section Two (Preliminary Plat) for a variance to Section 3.1.4 of the Design and Construction Standards Manual which requires that cul-de-sacs have a maximum length of 500 feet. She explained that the proposed subdivision's street system does not follow the street layout outlined during the approval of the first phase of the subdivision in 1995, because then Decca Drive entered the subdivision from Peach Grove Avenue. Gilmer Circle was proposed as a loop street and Kramer Court and Rebecca Ridge Court were designed to branch out as cul-de-sacs from Gilmer Circle. Since both streets met the City's 500 maximum length requirement on a cul-de-sac no variances were needed at that time. Two roads branching out from Gilmer Circle were proposed to be developed in the future as part of the subdivision. At the Planning Commission's meeting in February, the developer requested a different preliminary approval for the layout of the subdivision. This proposal shows an additional street (King Edward Way) coming in from Peach Grove Avenue and the formulation of permanent cul-de-sacs where Gilmer Circle had been shown to be a loop street at the earlier stage of this subdivision. By developing the subdivision this way there will be several cul-de-sacs formed that will have longer lengths than the 500 maximum length established in the City's Design and Construction Standards Manual. Gilmer Circle will become a cul-de-sac of approximately 580 feet in length, Kramer Court approximately 750 feet in length, and Rebecca

Ridge Court approximately 610 feet in length. At Planning Commission's meeting staff recommended that these variances not be granted. However, after considerable discussion including neighborhoods security, people's preference to live on cul-de-sacs, trash pick-up and snow removal on a long cul-de-sac, Planning Commission did recommend approving these variances to the preliminary subdivision. Mrs. Turner commented that having connecting streets is better. This request will create two neighborhoods with two separate characters. She also noted that Planning Commission has requested that City staff members be present at its March 12 meeting to answer their questions about cul-de-sacs. Mayor Eagle commented that the City does have some existing cul-de-sacs longer than 500 feet. He expressed concern about safety on longer cul-de-sacs rather than through streets. Council Member Rogers offered a motion to approve the request, but it died for lack of a second. Vice-Mayor Lantz questioned Planning Commission's decision to approve this request. He said, "If I approve this request then I could not turn down another developer who makes the same request". Why does the City have a Design and Construction Standards Manual if we are not going to follow the requirements specially stated in the manual? This subdivision does not present an unusual circumstance. Either we have a problem with the design manual or the developer is asking for something that is unreasonable. He also suggested that some of these requests should stop at Planning Commission and not come before Council. City Manager Stewart stated that staff would like to see this kind of direction because there was nothing magical about the 500-foot requirement in the Design and Construction Standards Manual. He also reminded Council that the primary reason the Design and Construction Standards Manual was created was because there was a cry from developers asking for standards to be in place so that they would have some guide lines. This property can definitely be developed with a 500 foot cul-de-sac or less because the original preliminary plat was approved with 500 foot cul-de-sacs that met all of the design and construction standards. We need to decide if 500 feet is really an inappropriate number in the Design and Construction Standards Manual. After a lengthy and considerable discussion expressing many concerns and issues, Vice-Mayor Lantz offered a motion that the request be tabled until another recommendation could be received from the Planning Commission. 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 Final Plat approval of the William M. Heatwole Subdivision, Section 3. She explained that the request will create a flag lot of 9.6211 acres out of a 69.96 acre site near the intersection of North Liberty Street and Acorn Drive with the lot fronting on Acron Drive. The site will be used for future relocation of Friendship Industries. This property is zoned M-1 General Industrial District. Except for the property located south of the subject site occupied by Ariake USA, Inc., all other surrounding properties are undeveloped. The Comprehensive Plan recommends this area for industrial land use. They have posted all necessary bonds 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 Byrd, and approved with a unanimous vote of Council.

✓ Public Utilities Director Collins announced that Faulconer Construction Company was the low bidder at \$634,000.00 for a contract for the West Interceptor Sanitary Sewer Improvements Links 177-187 and 196-197. He presented a brief review of the project which will provide sewer improvements along South Main Street. The work is part of the City's overall plan to improve its sewer system based on a 1989 sewer improvement plan. This is a real difficult project and

unfortunately the line will be close to a number of buildings on South Main Street. A 30-inch line will be constructed from underneath Black's Run near the A&K Carwash and extend into the parking lot of the Wilco Service Station. Mr. Collins said that the line will run behind Weese's Auto Exchange, Fisher Auto Parts and Kline Realty. It's going to be a very difficult project and will be an inconvenience to the businesses in that area. Another part of the project begins in a field behind Maryland Avenue and extends across the railroad track and goes into the area of New York Avenue and Ohio Avenue and virtually to the carwash on Grace Street. These particular areas have experienced a significant amount of problems during wet-weather periods and this is just another stage of our commitment plan to upgrade the infrastructure of our system. The projects are designed to add capacity to the City's sewer system. He said that the project is part of the reason for the rate increase in 1993. Vice-Mayor Lantz offered a motion to award this contract to Faulconer Construction Company. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Public Utilities Director Collins presented for Council's consideration an agreement with the Virginia Department of Transportation to have water and sanitary sewer facilities which are located in the VDOT Route 33 right-of-way to be adjusted or installed by the highway contractors. He explained that the existing 10", 12", 16" and 18" water transmission pipes between Grandview Drive and Route 42 will be replaced with two 24" pipes. The capacity of the two 24" lines will allow the City to produce 15 million gallons of water per day in the expansion of the treatment plant. All existing sanitary sewer between Waterman Drive and Route 42 will be replaced and all water and sewer connections within the right-of-way will be replaced. The City's share of this budgeted project will be \$81,000 for water and \$180,000 for sewer. Once this project is completed the City will have all new water and sewer lines and will be "*The City With The Planned Future*" as the motto states. Council Member Rogers offered a motion to approve this agreement with VDOT as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Kathy Whitten, Chairman of the Planning Commission, presented a brief report concerning the major accomplishments of the Planning Commission. She said developing goals and objectives had been very helpful. Establishing a liaison with Rockingham County Planning Commission has been helpful for informational purposes. She also mentioned that having a time limit on the special use permit might be helpful and provide better control. She said that Planning Commission would encourage the downtown revitalization and would like to see more interaction between the commission and Committee for Downtown, Parking Authority and Parks and Recreation Commission. She also requested that the commission be included in a future Council retreat. The Planning Commission will be presenting a slide show in the community concerning the Comprehensive Plan.

City Manager Stewart presented a request from City Treasurer Miller to advertise delinquent real estate taxes for 1994-95 and 1995-96. Council Member Green offered a motion authorizing City Treasurer Miller to advertise the delinquent real estate taxes. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Mr. James Berry a resident living at 30 West Washington Street complained that he has experienced dust particles settling on his car and coming into his home. He said that he had spoken with Rocco Plant Manager's Edgar Miller and was assured that Rocco was doing everything they could under the guidelines to eliminate the dust. City Manager Stewart reminded everyone that the Virginia Department of Environmental Quality has the responsibility for air quality issues. He suggested that perhaps he should discuss the issue with management of Rocco. It was also suggested that a letter be written to request that the Virginia Department of Environmental Quality investigate the complaint.

✓ Mayor Eagle presented for Council's consideration a proposal for additional funding for the Upper Valley Regional Park Authority. He explained that the City's current contribution is \$29,000 per year, however, it has been proposed that the City provide an additional \$1,000 for a total of \$30,000 per year. With \$15,000 to go toward operating costs maintenance and \$15,000 to capital improvements. This should allow the Authority to make needed renovations and improvements to the parks. This proposal will provide \$100,000 a year in additional funding over the next four years, with \$70,000 from Augusta County and Rockingham County and \$30,000 from Staunton and Harrisonburg. Assistant City Manager commented that this project is necessary because of renovating pools, repairs to bath houses, and general maintenance that has been neglected for a number of years. It was the consensus of Council that this request should come from the Board of Directors before requesting support of Council.

At 8:55 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 Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to two (2) new contracts and consultation with the City Attorney pertaining to probable litigation requiring the provision of legal advice by the City Attorney, exempt from the public meeting requirement pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate 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, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:36 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 authorized City Manager Stewart to negotiate with Bill Boyd on an agreement with the Library Board to demolish the Schewel's building and construct a parking lot to be operated by the City. The property would continue to be owned by the Library.

At 11:37 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

Rodney L. Egle
MAYOR

REGULAR MEETING

MARCH 11, 1997

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.

Vice-Mayor Lantz 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 Byrd, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request from Virginia Mennonite Retirement Community, Inc., for approval of a Master Plan of Development in an Institutional Overlay District. She explained that the site located on Virginia Avenue consisting of approximately 45 acres are zoned R-3 and lies within an Institutional Overlay District. Existing buildings include duplexes, fourplexes, and sixplexes designed to house independent residents over the age of 60. The retirement community also provides higher density, group quarters for individuals requiring nursing care. VMRC is surrounded by property zoned R-3 except B-2 property along the south and east bordering Virginia Avenue. VMRC intends to expand its facilities to include a wellness center, an 87-bed assisted living facility, and a mixed-use building for 88 one and two bedroom apartments and a variety of personal service establishments. The 23,000 square foot wellness center will house an indoor swimming pool, fitness and exercise rooms, classroom space, locker rooms, and administrative offices. The buildings would be connected through enclosed walkways. These enclosed walkways are in question because the proposed buildings do not meet the area and dimensional requirements of the zoning ordinance. However, the Institutional Overlay provides a mechanism for an applicant to request approval from the Planning Commission and City Council. The anticipated walkways which connect the proposed buildings cross existing lot lines and would require set-back variances. Also, the proposed building heights for the retirement housing and main street facility/adult care facility exceed the maximum height permitted by the zoning ordinance and would require height variances. Mrs. Turner said that during staff's review they noted that the developers probably can expect some significant relocation of public water and sewer mains. The proposed walkways between the buildings may require the installation of casings for utilities. The developers were also advised to review water pressure for the buildings due to the height. Bus service will not be extended beyond existing bus routes as it is not feasible for buses to travel through private parking lots. She said that Planning Commission recommended that the request be approved.

At 7:38 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, February 24, and Monday, March 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Master Plan - Institutional Overlay District

1. **Request by Virginia Mennonite Retirement Community, Inc., for approval of a master plan for 45.022 acres, to include property titled to Park Village, Inc., Heritage Haven, Inc., and Virginia Mennonite Home, Inc. The site is zoned R-3 Multiple Family Residential District/ I-1 Institutional Overlay District. The site is bounded to the east by Virginia Avenue, to the south by Parkwood Drive, to the west by Park Road, and to the north by Harmony Heights. The property is identified as parcels 52-A-1, 1A, 2-9 and parcels 52-A-1,3,4,6,7,8,9,10,13 on the City of 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 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 meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone present desiring to speak either for or against this request:

Earl Greaser, Director of Facility Design and Planning for VMRC, expressed his appreciation that the Planning Commission and City Council included an institutional overlay district in the recently revised zoning ordinance, allowing VMRC to project and develop future plans for the campus. This will be better for all of us and save a lot of time and energy. He requested that Council approve the master plan. There being no others desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner introduced a request to amend Section 10-3-25 of the City of Harrisonburg Zoning Ordinance pertaining to off-street parking regulations. She explained that the purpose of the request is to address discrepancies between the number of parking spaces required by the zoning ordinance and will allow developers the opportunity to determine their own parking needs and provide spaces accordingly. Staff reviewed

the concerns and suggested several recommendations to amend the off-street parking regulations. The first change under definition of a "Parking Space" is that 25% of the total parking area should be designated for compact automobiles. Another change under private clubs and recreational facilities will change a typo that is in the ordinance. Other changes would clarify parking spaces relating to community centers, restaurants, businesses and professional offices. An example would be that restaurant parking spaces will not be based on how many seats are provided, but the ratio of gross public floor area. It will make it easier for people to define what they exactly require without getting into lengthy conversations. She said Planning Commission recommended approval of the changes except Section 10-3-25.1 of the City Code which will be considered later after a public hearing.

At 7:45 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, February 25, and Monday, March 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendments and Changes

1. **Consider revision of Section 10-3-25 and addition of Section 10-3-25.1 under Article G. Off Street Parking of the City of Harrisonburg Zoning Ordinance.**

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 meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone present desiring to speak either for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:49 p.m., and the regular session reconvened. Vice-Mayor Lantz questioned if there was a problem that initialized these changes. Mrs. Turner responded that several people had expressed concerns about parking and the number of employees. Before April 1996, most of the classifications stated a business should have sufficient parking for employees. The term sufficient parking was not identified. Therefore, in April it was changed to read one parking space per employees which did not get a favorable response. Following further discussion and comments, Vice-Mayor Lantz offered a motion to

approve this request for a first reading 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 to remove R-5 Planned Single-Family Residential District from the City of Harrisonburg Zoning Ordinance. She explained that when the Comprehensive Plan was reviewed in 1989-1992, the community thought there needed to be some provisions to encourage the development of affordable single-family detached housing. The R-5 district was incorporated into the Zoning Ordinance on April 23, 1996. The R-5 district is intended for well planned single-family subdivisions at higher densities than the conventional R-1 and R-2 residential districts allow. It was an attempt to encourage affordable detached housing and promote creative neighborhood design. In November 1996, staff was approached with a request to rezone property in the City from R-1 to R-5. City staff recommended deferral of the request because the applicant had taken no steps to ensure that the intended development would be affordable to most citizens. At the Planning Commission meeting several people spoke in opposition because they were concerned that this R-5 district had not been in the ordinance long enough and that it was a good mechanism for encouraging development of affordable single-family detached housing. However, Planning Commission considered that they provided an ample mechanism in the present ordinance for people who wanted to develop single-family detached housing and recommended removing the R-5 from the zoning ordinance. One Planning Commissioner voted to oppose the recommendation stating that we are not meeting the intention of affordable by removing this R-5 district.

At 7:53 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, February 25, and Monday, March 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendments and Changes

1. **Consider removing Article L. R-5 Planned Single Family Residential District from the City of Harrisonburg Zoning Ordinance.**

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 meeting.

**CITY OF HARRISONBURG
Steven E. Stewart**

City Manager

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

Tim Lacey stated that he was opposed to removing the R-5 zoning classification. He recommended a modification to the R-5 or to the R-1 district. We need a mechanism to encourage affordable housing, not to mandate it. Since he has been developing property in the City for seven years, he said that he has seen the cost of developing houses increase each year. He noted that most R-2 and R-3 are basically multi-family districts in the City. To take an R-3 and put it into an R-1 use or to try to blend it into the middle of an R-1 area will make it look like a spot zone. He recommended increasing the R-5 area from 5,000 square foot lots to 6,000 square foot lots, increased the width from 50 feet to 60 feet, or do away with the R-5 and reduce the R-1 from 80 feet to 70 feet road frontage. There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Discussion included taking another look at the Comprehensive Plan, the definition of "affordable housing," interest rates going up and down, having the mechanism of R-2 and R-3 to accomplish the same thing, but noting that these classifications permit single-family and multi-family housing. The R-5 will provide more flexibility in the lot size, allow only single-family detached housing, but would be an advantage to families that cannot afford more but do not want to live in a multi-family neighborhood. Council Member Rogers offered a motion to keep the R-5 Planned Single-Family Residential District in the zoning ordinance. The motion was seconded by Vice-Mayor Lantz, and approved with a four to one vote with Mayor Eagle voting no.

William Strider, Executive Director of the Shenandoah Planning District Commission, presented for Council's consideration a resolution designating the Shenandoah Valley Partnership as the "regional partnership" under the 1996 Virginia Regional Competitiveness Act. The Regional competitiveness Act was established to enhance economic competitiveness for all regions of the Commonwealth. He reviewed the highlights of the program. The Central Shenandoah Planning District Commission's Executive Committee and the Shenandoah Valley Partnership Board are recommending that the Shenandoah Valley Partnership be designated as the "regional partnership" and use the geography of the Planning District to establish the "regional configuration." Members of the partnership shall play an active role in reviewing and planning the regional strategic plan process. Vice-Mayor Lantz offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the School Board for renovations of Waterman, Spotswood and Keister Elementary Schools. He explained that he and Council Member Green have been working with the Liaison members of the School Board for several months to fund some more critical needs at the three older elementary schools. It was suggested that these critical needs be met on a pay-as-you-go method. Priority lists were discussed and trying to move forward with the more critical items in a way that the City can meet the costs within the budgeted revenues without having to issue more debt. Discussion included appropriating funds this Spring for roofing and at the beginning of the new fiscal year appropriating additional funds for some one-time capital expenditures. He reviewed the revised numbers included in a memo to School Superintendent Good concerning the maintenance work at the elementary schools and suggested that there was a possibility that they could reduce the cost figure for the needed repairs. Council Member Green

commented that the public should not get unduly alarmed about any type of attempt at polarization in the community over schools and taxes. He said "I think the Council and the School Board have worked to an end where these things are going to be met without having to borrow more money and losing the interest payment as we go." Replacing roofs will be addressed more quickly than the School Administration has anticipated. He also noted that the City had arranged to replace the sewer system at Spotswood Elementary School, which had been neglected, therefore, saving the school approximately \$30,000. The City Council as trustees and guardians of City resources are trying to use the funds allowing the school and other City departments to reach the needs without having to obtain more debt.

Dr. J.W. Good, Superintendent of Harrisonburg City Schools, commented that the \$1.228 million supplemental appropriation submitted would address some major and immediate needs at the schools, but would not enable completion of the work at anyone school. He said "Your action will help set the stage for moving us forward to the planning process, which I think is absolutely critical as we move forward with this." He expressed his appreciation for the cooperative spirit of Council and said that he understood that Council's priority has been and continues to be education.

Robert Frazier, Vice-Chairman of the School Board, commented that Dr. Green's comments were very accurate about the meetings and stated that we do have to consider how we can plan from year to year to year. All we need to know are some very definite numbers, if it is possible to come up with some discussions on how we can plan on things, and I'll say one thing about education folks "they are great planners".

Cathy Stevenson, Chairman of the School Board, commented that everyone knows that the goals are the same. We just see a different way in approaching them. She said everyone has a common goal to get these schools back into good repair.

City Manager Stewart presented a request for a supplemental appropriation for the School Board. These funds will be to appropriate unanticipated receipts from local (Warner Cable) and state (Vocational Education) revenues to augment the Educational Television Fund 09 and Vocational Education Fund 16. No additional local funds are required. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$1,430.00 chge. to: 1111-31691 School Revenue - Local
 2,200.00 chge. to: 1111-32442 School Revenue - State
 \$3,630.00 approp. to: 1111-40610 Instruction

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

Charlette McQuilkin presented a request from the Community Policy and Management Team for additional funding for the Comprehensive Services Act. She said the Comprehensive Services Act was initiated in July 1993 by the General Assembly for two major purposes. The first purpose was to reduce out-of-homes placement for children and the associated cost. The second purpose was to consolidate the work of agencies from eight funding streams into one with control at the local level. The Harrisonburg-Rockingham CPMT serves only mandated children by State and Federal law. Children in foster care and children placed through the schools receive these services. She said "We have reviewed every case, have specialized foster care development, and the high costs of residential placements very carefully to reduce costs. They review new cases very carefully and have

initiated wrap around services." Counseling costs were reduced in the current year. Don Driver, Director of Social Services, explained that there is a deficiency in the allocations for this year. For the current fiscal year, projections show that the allocation of \$599,705 for serving Harrisonburg City children will be \$35,175 short in meeting this year's obligation. The number of children served has basically remained the same, but the complexity being presented including children coming into foster care and special education has continued to escalate. Mr. Driver noted that Rockingham County has a very similar picture, but the City's cases are approximately 45% of the total cases. In the County and City last year, they served 123 children. The cases coming out of the City are a little more complex. Following further discussion and comments, Vice-Mayor Lantz 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 presented a slide show presentation launching the 1997 update of the Comprehensive Plan. Mrs. Turner explained that the department will be going out to different organizations, at their invitation, to inform citizens of the Comprehensive Plan Update process. This slide show will be shown to community groups, hopefully to generate some interest in the Comprehensive Plan update and inviting public participation in it. She briefly reviewed the slides commenting that the plan will guide City policies pertaining to land use decision, serve as a guide for the CIP and operating budget, guide legislation relating to zoning, subdivision, and City Code. The State law requires that we have a Comprehensive Plan and review it every five years. The current plan was adopted on March 10, 1992. The process will update statistical data in the document, modify the City's goals and objectives, and change the land use map to reflect development since the plan was formulated. Harrisonburg's population has grown to an estimated 33,700 in 1996 and is the fifth fastest growing City in the State. The presentation of the slide show will allow discussing goals of the City, maintaining our heritage, increasing awareness of historic property, a strong population base, housing, government, community facilities, and environmental quality. Public meetings will be held to get residents' views on the plan and written comments will also be taken through the mail, e-mail or the telephone. A work session will be held between Planning Commission and City Council. City staff proposes that the entire update be handled in-house.

Building Official Baldwin presented a brief report from the Blue Ridge Disability Services Board. He said during 1996, the Blue Ridge Disabilities Services Board received two grants, through the Rehabilitative Incentive Fund, totaling \$24,612.00. These funds went to help start a transportation system called "CART" (Community Association for Rural Transportation) for persons with physical and sensory disabilities. Now, the CARTS program is beginning to reach both inside and outside the City limits. Between January and June, the need's assessment of the Quad Area was re-studied and re-filed for the fiscal year 1997-1998. Again, major needs of the areas were transportation. Several members of the Disabilities Services Board attended the VATS (Virginia Assistance Technology System) Conference to get better insight and direction regarding the Disabilities Services Board. On October 4, 1996, a total of 28 organizations or associations participated in Disabilities Awareness Day which was held at Valley Mall and was very successful. Many individuals stopped by the booths seeking information.

Public Works Director Baker presented a Sanitation Collection/Hauling Permit Program. He explained that the program will register all the commercial haulers in the City. These haulers collect

refuse recycling material and deposit at either the landfill or the Resource Recovery Plant. The program will improve the accountability of our solid waste generated within the City for the purposes of better tracking and determining where the refuse is coming from to make sure that the City is receiving its fair share of the revenue for the tipping fees. City Manager Stewart commented that the County is looking at the possibility of increasing its tipping fee in July. In order for the City to maintain its current revenue level it will need to mirror whatever increase the County has. It is very important that the City maintains the differential between the tipping fees of the City and County.

City Manager Stewart announced that the Virginia Department of Transportation is holding its annual pre-allocation hearing on March 27th in Staunton. Assistant City Manager Baker will be making a presentation on behalf of the City concerning several projects. Staff would recommend projects include completion of West Market Street, the additional left turn lane on East Market Street at Cantrell Avenue, completion of four laning Cantrell Avenue and the Reservoir Street Bridge as the top priorities at this time. Because ridership from JMU has increased on the transit system, financial aid will be encouraged to provide some more buses. Another issue to be discussed will be Council's support in widening of I-81. Also discussed was an additional interchange on I-81 near the City's Smithland Road property.

City Manager Stewart presented a request from the City Treasurer to charge off delinquent business licenses for 1996. 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 questioned if legal action has been taken since he noticed several businesses on the list that are still advertising. Vice-Mayor Lantz commented that he could not approve this request if some of the businesses still existed and suggested there might be a problem with enforcement. Council Member Green offered a motion to table this item until some of the information regarding these businesses could be clarified from City Treasurer Miller. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. These funds will be used to pay for overtime and training through a State Grant for Stop Violence Against Women. Council Member Green offered a motion to approve this request for a first reading, and that:

\$6,801.00 chge. to: Stop Violence Against Women Grant
 \$5,376.00 approp. to: Salaries/Wages OT
 1,425.00 approp. to: Training/Travel

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 for the Police Department. These funds will be used to purchase alco-sensors for a DMV mini grant for "Youth Alcohol" from the Department of Motor Vehicles. Vice-Mayor Lantz offered a motion to approve the request for a first reading, and that:

\$981.62 chge. to: 1000-32520 DMV grant

\$981.62 approp. to: 1000-310131-46140 Other operating supplies

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

City Manager Stewart presented a request for supplemental appropriation for the Police Department. These funds will be used to purchase radio equipment for the department. Vice-Mayor Lantz offered a motion to approve the request for a first reading, and that:

\$12,130.00 chge. to: 1000-33507 Local Law Enforcement Block Grant

\$12,130.00 approp. to: 1000-310131-48131 Radio Equipment

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

Barry Hensley a resident of Garbers Church Road presented a petition with approximately 115 signatures to City Council. He said that residents of Garbers Church Road and adjacent neighborhoods request that City Council revive the possibility of developing a municipal golf course on the undeveloped land at Hillandale Park to include the Lineweaver-Strate property. The group has carefully followed the plans that the Parks and Recreation Commission has developed for the area and noted that the plan seem to be very expensive and not compatible with the neighborhood. He suggested that a golf course would be a very good revenue producer, beneficial and an excellent long-term asset for the City. He suggested that a sports complex including soccer fields and other sports facilities should be located away from residential neighborhoods. The best use for the land would be a golf course and he encouraged Council to revive the idea.

Council Member Green stated that he had received several telephone calls complaining about a development on Route 33 and the red clay (mud) that is running into the street creating an ice field. He said that the developers are suppose to clean the area every day and remove the mud from the street. The Police Department will investigate this complaint.

Council Member Bryd stated that he had received several telephone calls questioning the progress of the Gay Street bridge project. City Manager Stewart commented that the project is suppose to be completed by the end of March. The contractors have been on penalty since early February and are being fined \$500.00 per day.

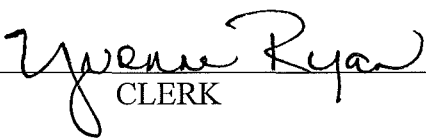
At 9:55 p.m., Council Member Green offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority and the evaluation of a City department, exempt from the public meeting requirements 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) new contracts, exempt from the public meeting requirement pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate 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, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 12:01 a.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 requested that City Manager Stewart express to Mike York, General Manager of Harrisonburg Electric Commission, the urgent need for adequate lighting in the downtown area including Main Street from the Lineweaver Apartments to the Municipal building.

Council Member Byrd offered a motion that J. Wayne Alley, 418 Fairway Drive, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2001. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 12:03 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

MARCH 25, 1997

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 two new City employees: Michael Gangloff; Police Department; and Lynnette Smith, Fire Department.

Council Member Rogers 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 10-3-25 of the Harrisonburg City Code. The motion also included the second reading of a supplemental appropriation for the School Division, Community Policy and Management Team, and the Police Department. The motion was seconded by Council Member Byrd, 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 Friday, March 14, and Thursday, March 20, 1997.

The City of Harrisonburg is presently preparing its annual grant application for Operating and Capital Funds for FY 97-98. This application is for Federal and State funds under the Federal Transit Administration 49 USC Section 5311 (formerly Section 18) program.

Comments and suggestions for the Transit system are welcome. Please contact Reggie Smith or Ann Cave before March 24, 1997 at 540-432-0492 or mail comments to: Harrisonburg Public Transit, 475 East Washington, Harrisonburg, VA 22801.

Transportation Director Smith explained that this is the annual application for state and federal funds in capital funds for fiscal year 1997-98 which are administered through the Virginia Department of Rail and Public Transportation. This application is for operating expenses, maintenance money, capital expenses and to purchase three (3) 40 foot buses. There being no one present desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this application for state and federal funds. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the School Division. He explained that the School Liaison Committee has met several times discussing this issue. It is recommended that Council appropriate \$490,000 from undesignated fund balance, with a commitment to appropriate a like amount in July, based on year-end revenues. The immediate \$490,000 should allow for roof repair/replacement at the three elementary schools at a cost of approximately \$297,000, with approximately \$193,000 to address other critical needs this spring. Mr. Stewart noted that these funds will be available for the schools to use now for improvements at the three elementary schools. Council Member Green commented that receiving estimates from local contractors should save the taxpayers some money. Council Member Green offered a motion to approve the request for a first reading, and that:

\$490,000 chge. to: 1000-31010 Amount from fund balance
 \$490,000 approp. to: 1000-990111-49225 Transfer to Capital Projects

\$490,000 chge. to: 1311-34210 Transfer from General Fund
 \$490,000 approp. to: 1311-910114-48690 Repairs to elementary schools

The motion was seconded by Council Member Rogers, and approved with a unanimous recorded 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 they enrolled 95 City residents last year in the programs of which 59 completed the training resulting in placing 53 residents in unsubsidized employment. Also, they employed 39 City youths in the Summer Youth Program since Congress restored funding to the 1994 levels for the 1997 Summer Youth Program. Council Member Rogers offered a motion to approve the annual summary plan as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Bill Boyd, President of the Rockingham Public Library Board of Trustees, reported on the long-term goals and future of the library. He noted that the library which is a non-profit organization provides services to Page County, Rockingham County and the City of Harrisonburg. Over the years, through benign neglect the library has become one of the lowest funded libraries in the state. The board of the library is attempting to address this issue by improving the quality and quantity of library services. Improving the building will be a big first step. A vital need for a more active library is needed in the downtown area. The library should be the balancing point between the traditional method of references in books and tomorrow's system in computers.

Isabelle Bell stated that the library affects everyone. She commented that the City has one of the finest hospitals in the Valley, outstanding churches, parks and recreation, but the library is in the dark ages. The card system is so outdated. They cannot replace it. Rockingham Public Library lags at least ten years behind in computerization, however, they have received some money from private donations for computers. It was noted that City and Country contributions are based on population. She requested an increase in the City's contribution as the library is the heart of the community and is very important in the revitalization of downtown. Council Member Green noted that the City's funding has been equal to the other localities based on per capita and that the City will provide one

million dollars toward the building fund, however, the per capita cost also includes approximately 9,000 JMU students which do not pay any taxes.

Representatives of the City's four elementary schools presented comments concerning school renovation/budget issues.

Steven Blatt representing Keister Elementary commented that the school needs renovations and maintenance improvements. He said that the school was behind in planned maintenance and that dwelling on it was not productive, but get the problem solved. Both sides have some very good suggestions on how to deal with these difficult issues facing a growing City. We elected both boards and had confidence in their ability to solve these problems. He proposed that parents have a place on the Liaison Committee.

Vickie Bennett presented a plastic bottle of brown water which she claimed came from a sink at Keister Elementary School. She also provided the definition of a repair from the dictionary. She suggested that an injury could occur to a child by the falling tile or a fire could start from an electrical problem, but said that safety was a big factor because the office was located in the back of the school. She reviewed some statistics provided by Harrisonburg Electric Commission.

Dr. Cathy Slusher, said that the school budget contained requests for essentials. It was not a frill budget. The requests are for basic repairs, poor structural needs, and items that are essential to keep the children competitive in today's society. Historical use of money is not the issue. History can be used to guide future expenditures, but today's problems must be addressed now. She said the children are the future.

Les Bolt representing Spotswood Elementary said that he was very pleased with the education his sons have received and noted that the staff and teachers are very good. Nevertheless, he said Council made a mistake by not approving the bond issue. Therefore, that mistake will exist for the future and you can expect groups like this to be in front of you every time it comes up. He also noted that Harrisonburg has the third lowest real estate tax rate in the entire state of Virginia among independent cities. Williamsburg and Winchester have the lowest tax rate. He questioned the purpose of maintaining this low rate. He accused Council of setting a priority on businesses and development and urged Council to fund these projects completely.

Bonita Sonifrank representing Waterman Elementary acknowledged that Council had a difficult task in deciding who will receive the revenue funds. Though Waterman Elementary has recently had some renovations the school still has some more problems. Money controls the quantity and quality of the repairs and renovations. She mentioned that Harrisonburg High School has never had its renovations finished. She encouraged everyone (Council, parents, citizens, and School Board) to remove the blinders from their eyes and envision the whole scope of the future of our City and the role that education will play. She repeated that we will not go away as concerned parents and citizens. We will revisit this issue as often as you deem necessary.

Susan Fitch representing Stone Spring Elementary said she was present to provide support for the funding and requested maintenance for the three elementary schools. The children need to have a safe learning environment. The need to maintain, repair and update is a necessary part of life just as it is with our homes and roads. Nevertheless, it costs money. Because the maintenance part of the School Board's budget has been cut before and left for a carry-over project, now the schools need new roofing, removal of asbestos, and plumbing.

Marilynn Jarrells representing the Harrisonburg Education Association presented the following resolution:

"The Harrisonburg Education Association is in support and endorses the efforts of faculty and parents to request and acquire by all means possible full funding for renovation of Keister, Spotswood, and Waterman Elementary Schools until all renovations are completed."

Council Member Green commented that the money was already available for repairs at Waterman Elementary Schools. He explained that the School budget had an excess of \$300,000 which could have been spent for roof repairs last month. When you add the already available \$300,000, \$490,000 and an additional \$490,000 after July 1, the School Board will have \$1.3 million in funds, more than what was requested to do these necessary repairs. The full amount cannot be spent because School Board has not determined the projects. It should be enough money to get started on these projects, but he also noted that the school estimates for the roofs were off by \$250,000. Council Member Rogers repeated City Council will meet the needs of the schools. The schools will receive more funding than what they requested. He also said Superintendent Good had expressed that the School Board was happy with the funding they received. He suggested that they should install video cameras for protection at all the exits in all the schools. Nevertheless, Superintendent Good responded that they told school officials it was \$490,000 or nothing. He said we are certainly pleased with the funds that we get, but the request was for \$1.228 million. He repeated his proposal for a commitment to a long-term capital improvement plan that would basically help the schools be completed in a timely fashion.

✓ Andrew Heatwole representing the developers presented an endorsement of Madison Ridge Phase II. He said that National Housing Corporation has built approximately 100 units in the City and would like to develop another 48 units. He emphasized that this Federal housing tax credit program is not a public housing project and that it is the only Federal housing program not under HUD, but under the Treasury Department. The Internal Revenue Service establishes rules and regulations. This housing is for working people and they must pay the rent. He reviewed the rental rates and qualification for renting these units. John Newton, a resident of Diamond Court, stated that National Housing Corporation has worked with the residents to provide needed security for their street. City Manager Stewart noted that he had received a petition from the residents of Diamond Court requesting that Council endorse this project. Vice-Mayor Lantz offered a motion to endorse this project as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Public Works Director Baker presented a report on residential cut-through traffic. He explained that due to renewed concerns from the citizens of the area, his staff had reviewed the area to determine some possible solutions or recommendations to discourage the cut-through traffic. Motorists have the perception that avoiding the two signalized intersections will reduce the travel time. After performing several travel-time studies, it was determined that no time is saved by cutting through the neighborhood. After considering several ideas to control the cut-through traffic the department is recommending several methods to address the motorist perception that cutting through the neighborhood is quicker. The first method involves installing traffic signs advising motorists that "NO THRU TRAFFIC -- Use Port Republic Road to reach South Main Street." A "NO THRU TRAFFIC -- Use South Main Street to reach Port Republic Road" sign will be installed at the intersection of South Main Street and Monument Avenue and at East Weaver Avenue. These signs

should inform the motorists very clearly of where they should be. The City Police Department will perform periodic traffic speed and destination checks to improve the effectiveness of the signs. This is the first step in trying to address the issue before using more drastic controls.

Parks and Recreation Director Logan presented an update on the spring soccer program. She announced that 504 youngsters have registered in the recreational soccer program. This number includes 350 City residents and 154 County residents. There will be 39 teams with 22 children on a waiting list for another team. Those on the waiting list registered after the deadline. There are 14 soccer locations with lined boundaries and goals for practice areas. But, none of the fields are regulation size. Also, two fields will be reserved at Eastern Mennonite University in case some areas cannot be used or the league falls behind on its schedule. She noted that two potential field sites are easily accessible from Smithland Road. Because the land at Smithland Road is not as flat as the Lineweaver property a lot more grading will have to be done. She estimated that grading, seeding, fertilizer, mulch, irrigation, parking lot, and a gravel roadway for two soccer fields will cost approximately \$300,000. Council Member Rogers suggested that perhaps a sports complex should be included in the future plans for Smithland Road. Following further discussion and comments, Council Member Rogers offered a motion directing the City Manager, Staff and the Parks and Recreation Commission to study the potential of a soccer complex on the Smithland Road property. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Tony Coogan, Director of Shenandoah Rail Initiative, presented a request and resolution to support the Shenandoah Rail Initiative's ISTEA funding. He said that the group is focusing on the significant creation of a battlefield district. A commission will be set-up to develop the battlefield district linking together many of the noncontiguous battlefields mentioned in the Shenandoah Valley Battlefield Historic District. This proposal is an effort to bind the valley together and provide a linkage to Harrisonburg from the North and South. The Chesapeake and Western Railroad Depot would be a part of the project. Electronic information will be available to help tourists plan their trips. Mr. Coogan requested an endorsement for the concept of the project. Council Member Rogers offered a motion to adopt the following resolution and support the Shenandoah Rail Initiative request for ISTEA funding. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

RESOLUTION

WHEREAS, the City of Harrisonburg is located in the historic Shenandoah Valley; and

WHEREAS, the City of Harrisonburg desires to see historic sites preserved and that tourism connections to these sites be preserved, developed and encouraged; and

WHEREAS, as the City of Harrisonburg acknowledges the benefit that rail access will provide to increase tourism and serve to link many of the noncontiguous battlefields mentioned in the Shenandoah Valley Battlefield Historic District legislation; and

WHEREAS, the Shenandoah Rail Initiative has been working to establish this regional linkage project with multiple jurisdictions; and

WHEREAS, the Shenandoah Rail Initiative is seeking to obtain ISTEA funding to assist in the implementation of this regional project,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg that this resolution of support be adopted and presented to Mr. Tony Coogan, Executive Director of the Shenandoah Rail Initiative stating our unanimous support of the effort to obtain ISTEA funding and get the passenger rail link in the valley re-established.

Adopted this the 25th day of March, 1997.

Rodney L. Eagle, Mayor

Attest:

City Clerk

✓ Planning and Community Development Director Turner introduced a request from Stephen T. Heitz for a Final Subdivision Plat approval of Emerald Drive Estates, V. She explained that this request is a continuation of a townhouse development on Emerald Drive. This development will include 37 additional townhouse lots and will extend Emerald Drive to intersect with the extension of Dyerle Avenue. All required easements and bonds have been submitted and Planning Commission has recommended approval. 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 by Michael Mars for Final Plat approval of Blue Stone Hills Subdivision, Section 7. She explained that it is a one lot subdivision at the southwest corner of the intersection of Dyerle Avenue and proposed Lucy Drive. It will subdivide the property into two parcels of 3.267 areas and 0.863 acres with a residual parcel of approximately 28 acres. The Balanced Care Assisted Living Facility is under contract to purchase the 3.267 acre parcel and the 0.863 acre parcel will be dedicated for construction of Dyerle Avenue from Blue Stone Hills Drive to Lucy Drive. They have posted all necessary bonds and Planning Commission has recommended approval. Council Member Green offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Public Works Director Baker presented a recommendation to change the City's Design and Construction Standards Manual. He explained that the entire City staff provided input for the report. Staff is in support of the use of cul-de-sacs in certain circumstances. There are situations where we encourage cul-de-sacs when we should be looking at other alternative methods of design. It is true that cul-de-sacs do cost more to provide services to, but that is not the ruling point why we sometimes object to cul-de-sacs. Safety is the issue when cul-de-sacs are longer. The primary idea is that the larger number of residents served by a cul-de-sac, the higher the risk in accessibility to the residents especially those living in the mid-block area. Cul-de-sacs are very marketable, but there are other issues that need to be reviewed. Some professional reference documents were used as

guidance on cul-de-sacs. The issue of the maximum length was reviewed. Mr. Baker provided the following recommendation. The current City standard has a maximum length of 500 feet. This maximum was established as the length that reasonable emergency access could be provided in the event that the entrance to the street was blocked. Also, if there is sufficient land to develop a longer cul-de-sac, usually an alternate design method should be used. ITE recommends a maximum average daily traffic count of 200 vehicles per day. A typical single family subdivision home generates an average of 10 trips per day. A 200 average daily count would equal approximately 20 dwellings. The minimum single family lot width in Harrisonburg is 80 feet. A cul-de-sac of 800 feet should have 10 lots on each side of the street. A large density such as townhouses or apartments, would result in a shorter cul-de-sac maximum. The City staff suggests that this approach be used to establish the maximum length of the cul-de-sac street. It is recommended that Section 3.1.4 of the City Design and Construction Standard manual be revised to establish a cul-de-sac street length maximum of 800 feet with a maximum of 20 dwelling units per cul-de-sac. It is also recommended that interconnecting streets be utilized in the development of a subdivision and cul-de-sacs be used only when alternative designs are not feasible due to topography of conflicting abutting land uses. After this report was presented to the Planning Commission, it endorsed the concept of 800 feet and 20 dwelling units per cul-de-sac. Some clarification might still be needed by the Planning Commission concerning the statement whether the interconnecting street should be utilized in the development of the subdivision. After a lengthy and considerable discussion expressing many concerns and issues, Vice-Mayor Lantz offered a motion that a permanent dead-end street may be permitted upon approval of the Planning Commission and pursuant to review by City staff. 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 from Stone Spring Village, Section Two (Preliminary Plat) for a variance to Section 3.1.4 of the Design and Construction Standards Manual (Maximum Cul-de-Sac length). She explained that Planning Commission remained in favor of having these cul-de-sacs exist in this subdivision regardless of whether the Standards Manual was changed. Mr. Scripture was trying to create two different neighborhoods within the area and having a separation between the two subdivisions was desirable and in the best interest of the neighborhood. Planning Commission recommended granting the variance with the change in the standard manual. No action is necessary since this subdivision is in compliance with the action taken by Council in approving the change to the City's Design and Construction Standards Manual.

Public Works Director Baker announced that Perry Engineer Company Inc., was the low bidder at \$2,321,938 for the Neff Avenue roadway project between Port Republic Road and Reservoir Street. Council Member Green offered a motion to approve the contract. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from Water Enterprise Fund Capital Outlay to Water Capital Projects in the amount of \$50,000. These funds will be used to replace the original filter control valves at the Water Treatment Plant. Vice-Mayor Lantz offered a motion to approve the transfer of these funds.

\$50,000 chge. to: 2011-372061-48187 WTP Improvements

\$50,000 approp. to: 2011-392061-49216 Transfer to Capital Projects

\$50,000 chge. to: 1321-34220 Transfer from Water Fund
 \$50,000 approp. to: 1321-910161-48628 Water Treatment Plant Expansion Project

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

City Manager Stewart presented a request to transfer funds from Sewer Enterprise Fund Capital Outlay to Sewer Capital Projects in the amount of \$73,000. These funds will be used to renovate the Shandshill Pump Station located on Lincolnshire Drive or provide some other option to deal with sewer flow in this area. Vice-Mayor Lantz offered a motion to approve the transfer of these funds.

\$50,000 chge. to: 2012-472061-48188 Tanks & Pumps
 3,000 chge. to: 2012-472061-48282 Land
 20,000 chge. to: 2012-472061-48291 Engineering
 \$73,000 approp. to: 2012-492061-49216 Transfer to Capital Projects

\$73,000 chge. to: 1322-34230 Transfer from Sewer Fund
 \$73,000 approp. to: 1322-911161-48648 Shandshill Pump Station

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

City Manager Stewart presented a revised request from the City Treasurer to charge off delinquent business licenses for 1996. He explained that the revised list contained clarification from Mrs. Miller regarding the 1996 business licenses, including that she had been able to collect two of the delinquent 1996 business licenses. Council Member Green offered a motion to approve writing off these uncollectable amounts. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

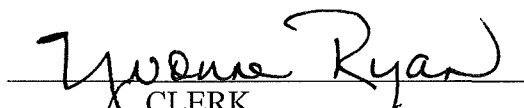
City Manager Stewart announced that S.B. Cox Inc., of Richmond will demolish the former Schewel's furniture building on South Main Street in mid-April to create a parking lot of approximately 30 metered parking spaces. Plans call for a portion of South Main Street to be closed for a weekend, beginning on Friday afternoon and lasting throughout Saturday and Sunday. S.B. Cox Inc. has an agreement with the Rockingham Public Library to demolish the building for approximately \$193,000. The contract also includes an additional \$30,000 for asbestos removal. Public Works Director Baker estimated that it would cost another \$60,000 for City crews to develop the parking lot. Mr. Stewart said the City will extend its commitment to the library for six years and will pay approximately \$1.3 million. The City will collect the revenue from the metered parking lot pursuant to an agreement with the Library Board. Vice-Mayor Lantz offered a motion granting permission to close the street. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

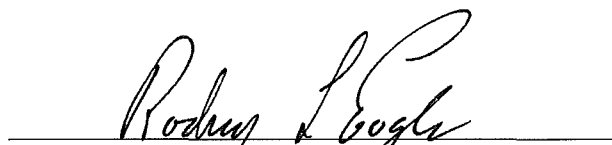
At 9:58 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees, Private Industry Council and Social Services Advisory

Board and the evaluation of a City department, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a new contract, exempt from the public meeting requirement pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 11:23 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.

At 11:25 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

APRIL 8, 1997

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 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 the School Division. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

City Planner Sarkar introduced a request to rezone 1.34 acres located at 1416 South Main Street from R-3 to B-2 General Business District (Conditional). He explained that the applicant had proffered several conditions including permanent land uses, aesthetic controls, landscaping and sound abatement on the property. The Planning Commission held a public hearing on January 8, at which no one spoke in opposition, and forwarded a recommendation of approval to City Council. However, when the application was presented to City Council at a public hearing on February 11, there were several citizens who spoke in opposition to the request. The City Council sent the application back to Planning Commission to reconsider the request after hearing several citizens opposing this request. He noted that a traffic study has been submitted by the applicant and the gist of the study states that there will not be a noticeable impact on the traffic situation currently existing on South Main Street. City traffic engineering has also said that there will not be any significant additional delay because of the rezoning. On March 12, 1997, the Planning Commission conducted another public hearing and several citizens from the Purcell Park neighborhood spoke in opposition noting that it would increase traffic and have negative land use impacts. However, the Planning Commission unanimously recommended approval of the request.

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 Monday, March 23, and Monday, March 31, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, April 8, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Rezoning:

1. **Request by SBL Corporation of Virginia, Inc., to rezone 1.34 acres located at 1416, 1420, 1426, and 1430 South Main Street, from R-3 to B-2 (Conditional). The property is identified on the City of Harrisonburg Block Maps as parcels 11C-48 and 11-C-1, 2, & 3. The Comprehensive Plan recommends the site for professional use.**

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 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

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

Roger Williams, attorney for SBL Corporation of Virginia, introduced some of the Rite-Aid personnel who were not present at the earlier public hearings; Dennis Bowen, Marketing Manager for Rite-Aid for the territory of Virginia; Mark Owens, Rite-Aid District Manager for the region; and Mick Corneilus, Professional Engineer who worked on the traffic study. Mr. Williams said that he would confine his remarks to those issues that have surfaced since the last public hearing and hopefully not repeat anything. He commented that no cut-through signs have been installed at the primary entrances into the Purcell Park area. Since at least the late 1960's this whole stretch of South Main Street has been zoned R-3 which includes professional offices. No professional offices have gone there in this 30-year period. Why not? Professional offices frankly don't need to be located on South Main Street or probably don't want to be on South Main Street. They do not depend on the heavy traffic on South Main Street nor do their clients want to deal with it. Another reason why it has probably not been developed as professional offices in the last 30 years -- look across the street, it is very commercially developed. He commented that under the current R-3 district zoning you can have multi-family dwellings and apartment buildings. On this 1.3 acres there could be 18 dwelling units under the density rights or four persons per unit which could equal 72 people or students occupying this land. This rezoning is tailored to be compatible with an adjacent residential district and quite frankly would be a better neighborhood or buffer than the magic of the R-3 district. This rezoning request has been the subject of four public hearings and has been thoroughly studied and scrutinized. The proffers have been carefully thought about and arrived at. It is a good proposal and it will be a good clean development and we strongly ask for your approval tonight.

Judy Miller, a resident living at 1429 Valley Street, said that the majority of the Purcell Park neighbors did not agree with the Planning Commission's recommendation for the Rite-Aid proposal, however they did appreciate Council willingness to listen to their concerns and refer the proposal back to the Planning Commission. The issue of cut-through traffic and speed in the neighborhood has been addressed and signs are in place. She commended the coordinating efforts of Jim Baker and Col. Harper and their respective departments in working together with the neighborhood to help alleviate this problem. Hopefully, other neighborhoods will get the message for their neighborhoods as well. She said four-way stop signs has always been our first choice, but hopefully these signs will

help. The City's Postmaster has agreed to relocate the drop-off boxes currently located on Weaver Avenue to the proposed Rite-Aid parking lot. This will alleviate a lot of the cut-through traffic on Weaver Avenue. Appropriate lighting has been addressed and the extremely active neighborhood watch program will encourage Rite-Aid participation. She said that Planning Commission and City staff have worked very hard to see that this commercial project fits in with the neighborhood as best as it can along this commercial route. It's very fair to say that although we object to this project we recognize, appreciate the efforts and the input sought by all parties involved. Thank you for listening to us, truly listening to us, for we know our struggle to maintain a dignified quality of life in our neighborhood continues and will return very soon. There being no others desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Council Member Byrd commented that if the request was granted it will create an envelope of R-3 spot zone to the south of the property in question and suggesting that maybe the plan use pattern is changing. He said that he concurred with the public hearings that cut-through traffic is a separate issue. This particular request for rezoning may well fly in the face of the Comprehensive Plan. He said that he was curious if we are not embarking on another Comprehensive Plan for the City which calls for transitional zoning along this corridor, proffered zoning conditions going against the Comprehensive Plan, or are we going to protect the neighborhoods surrounding this area. Mr. Sarkar said that the conditions proffered would protect the neighborhood. City Planner Sarkar commented that after many discussions it was understood that the Comprehensive Plan did recommend this area for professional offices, but the way the conditions are proffered the existing uses around the area and the proposed use would not be inconsistent, but actually may be better. If it was straight B-2 then there would be some concern because it could have many different type of uses. Council Member Rogers offered a motion to approve this request as presented and commended Mrs. Miller for bringing her concerns to Council. The motion was seconded by Vice-Mayor Lantz, and approved with a four to one vote with Council Member Byrd voting no.

The public hearing to consider Planning Commission's recommendation to a request by Erwin Michael to rezone 16.84 acres entitled "Green Springs Subdivision" from R-1 Single-family Residential District to R-3 Multiple-Dwelling Residential District was withdrawn by Dick Blackwell, agent for the applicant.

City Planner Sarkar introduced a request by Donald L. Riggleman, contract purchaser, to rezone 10.56 acres located on the western side of Pleasant Hill Road, from R-1 Single-Family Residential District to R-3 Multiple Dwelling Residential District. He explained that the applicant intends to construct apartments on this site. Staff's recommendation was to deny the request based on the impact of the rezoning and the school system. The City schools have serious concern for the impact on enrollment of 30 additional students at Keister Elementary School by this rezoning request. The increase in traffic on a narrow two-lane road is an important safety concern. A large number of vehicles entering and exiting the proposed site would cause traffic congestion. Mr. Sarkar said that after several citizens spoke in opposition to the request, the Planning Commission voted unanimously to deny the request.

At 7:54 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, March 24, and Monday, March 31, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, April 8, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Rezoning:

1. Request by Donald L. Rigglesman, contract purchaser, to rezone 10.56 acres located on the western side of Pleasant Hill Road, from R-1 Single-Family Residential District to R-3 Multiple Dwelling Residential District. The property is identified as parcel 8-B-4 on the City of Harrisonburg Block Maps. The Comprehensive Plan recommends a small portion of the site for commercial use and the remainder for medium density residential use.

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 meeting.

CITY OF HARRISONBURG

Steven E. Stewart
City Manager

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

Margaret Sheridan, spoke on behalf of Donald Rigglesman. She said that Mr. Rigglesman was willing to address the issue of increased enrollment at Keister Elementary School, but noted that enrollment had decreased by ten (10) students during the last year. He is also willing to develop the property over a three to five-year period and forfeit a 30-foot strip along the road frontage of this property to the City for the widening of the road. Since adjoining properties are zoned either R-3 or business we believe the best use for this property is R-3 zoning. She requested some directions concerning the R-3 zoning and what would be the appropriate use for the land if the request was denied.

Reginald Foucar-Szocki stated that he has three points he would like to make, but in general he was opposed to rezoning any R-1 property in the City. He noted that the traffic on Pleasant Hill Road has increased to approximately 6100 vehicles per day and adding additional multi-housing would have a significant impact on the road. Pleasant Hill Road already has a problem with erosion from heavy rainstorms which sometimes has water three to four feet deep. There are four trailers currently in use at Keister Elementary School and more students could possibly add the fifth trailer. He encouraged Council to keep the land at R-1 zoning.

Cathy McClathy, a resident of the Pleasant Hill area noted that traffic would really increase on her street because it would be used as cut-through from Route 42 to Route 11. She also noted that it is a neighborhood with a lot of families. There are couples and children walking on the street because it does not have any sidewalks. Therefore, because of the danger of the added traffic, I am very much against this rezoning.

Gail Bundrick stated that Willow Hills Subdivision is a unique community surrounded by undeveloped land on three sides adjacent to this property. The people of the community are trying hard to preserve the integrity of our neighborhood and surroundings. This has been the third rezoning request in the last five years. The City had a vision for this area which is single-family medium density in the Comprehensive Plan and the residents of the area also share that same vision. She urged Council to deny the request. There being no others desiring to speak, the public hearing was declared closed at 8:08 p.m., and the regular session reconvened. Council Member Rogers offered a motion to support Planning Commission's recommendation in denying this request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented the 1997-98 budget to the City Council. A public hearing will be held on April 22 with final approval on May 13th. There are no tax rates or general fund fees that will increase in the proposed 1997-98 budget. He reminded everyone that although there was no proposed tax rate increase, according to State law a reassessment for real estate did have to be done. The overall real estate reassessment increased by 2.47%. City Manager Stewart explained that in terms of expenditures the budget focuses on three primary functions which includes education, public safety and infrastructure. City Manager Stewart then reviewed the 12 goals from the 1996 Council Planning Session. He went on to point out that schools represent the largest single expenditure in the City budget (the proposed transfer from the General Fund is 43% of the total General Fund expenditures). The City's proposed funding represents a \$900,000 or a 5.5% increase over the current year's funding. The proposed funding for the schools means they will receive 69% of the total estimated increase in General Fund revenues. For the City to grant a 5.5% funding increase for operating costs, again speaks loudly as to the priority placed on schools. It represents the largest percentage increase since fiscal year 1993-94. In addition, the City is committing \$490,000 in a supplemental appropriation for the current year for school renovation projects and will attempt to make a similar appropriation after July 1. The General Fund revenue is somewhat brighter than last year in that revenues are projected to increase by about \$1.3 million. The primary increases occur in additional property taxes to be collected (based on growth and a modest increase due to the state-mandated reassessment, not a rate increase), sales tax collections and a rebound in BPOL tax revenues. The real negative is a \$500,000 reduction in the contribution from HEC. Harrisonburg continues to compare favorably with real estate and personal property tax rates in the state and has the third lowest real estate rate among the 40 independent cities in Virginia. Both tax rates remain among the lowest in the state, while Harrisonburg remains one of the state's fastest growing cities in terms of population. The current amended budget for this year is approximately \$82,644,948. The proposed budget is approximately \$65,250,692 or about 21% decrease in the total budget. The general fund budget which provides many of the services that most citizens are interested in is actually a 1.1% increase over the current budget as amended. The primary reason for the overall budget decrease is that many of the items in the current budget were one-time capital projects. Education is a very significant part of the City and next year the schools will receive approximately \$28.3 million or 42% of the proposed net expenditures in the budget. Schools do represent the single largest expenditure in the City budget. The proposed transfer from the general fund is about 43% of the total general fund expenditures which will out pace any other expenditure in the general fund. The City's proposed funding of the schools for next year is \$900,000 or 5 1/2% increase in local funds. That statement is a little misleading, because the school's debt service for next year will decrease a little over \$265,000 so that money will be available for instructional

purposes, operations and maintenance or other needs to meet the needs of educating the children. So the new dollars will be about a \$1,165,000 or 7.1% for those items. Mr. Stewart reviewed debt service for the schools during the last ten years, and noted that in 1988, the City came up with an additional approximately \$3 million from other departments to complete the Thomas Harrison Middle School when it went over budget. He also pointed out that Council had issued \$30,250,000 in general obligation bonds in the last ten years and that \$22,250,000 of that had been issued in the last five years. He also pointed out the rise in debt service in the school fund over the past ten years. The City is committed to public safety and noted that the proposed Police Department budget will include adding six new employees. This budget proposes adding three new dispatchers, one property evidence technician, and two police officers as part of the bike patrol for the downtown area. The Fire Department budget proposes hiring six new firefighters responding to the "Two-In-Two-Out" rule. Adding six new firefighters will not completely solve the problem, but it will be a significant step forward in complying with the rule. A small funding increase has been proposed for the all volunteer Rescue Squad. Also, it is proposed that the Central Garage provide labor for the Squad's vehicles maintenance, if they pay for parts and supplies; and that each Rescue Squad volunteer that is a City resident receive one (1) free auto decal. Maintaining the City's infrastructure includes repair to the Cantrell Avenue bridge, sidewalk replacements, curb and gutter, resurfacing streets, painting the exterior of the Municipal Building, replacing a dump truck, repairing a water storage tank, replacing a significant portion of the Blacks Run Sewer Interceptor, repairing tennis courts, rewiring softball field lights, and replacing some snow removal equipment. This budget will accomplish a great deal for the City next year, it will allow us to live within our means and make a significant contribution to education and public safety, while maintaining our existing infrastructure. The City will have to raise its tipping fee at the landfill. In order for the City to meet its expenses, it must keep the current spread between the City and County tipping fees. The City's fee has not increased since July 1993.

✓ Parks and Recreation Director Logan presented an update on the spring soccer programs. She said that she and other staff members have looked at the Smithland Road property trying to identify potential sites for the soccer program. She reviewed three sites on the property, but noted that anywhere you go on this property due to the natural terrain locating soccer fields is difficult because of the tremendous amount of cut and fill required. Site #3 is the most level although it has a lot of sink holes and is not suitable without a geological study and it is not being recommended. Site #2 is a good location because it does not have close residences and is surrounded by commercial property. However, it has the steepest grades which would require more grading than the other sites, it is not as expandable, but it certainly could be used for other athletic fields but would be more costly. Site #1 is a good location but still will require extensive grading, however, it may be more suitable and can expand more readily. It is located next to a residential area. She reviewed several options on site #1 which includes clearing the area, putting in an entrance and gravel roadway to the property, providing a 100-car gravel parking lot and grading and preparing pads for two soccer fields. She reviewed the options. Option number one would be a fast track involving the contractor doing all the work and sodding the fields. The estimated time table with ideal conditions would be 10 months with playing soccer on the field by the spring of 1998. The total cost would be \$734,500 for two fields. Option number two would be seeding the area rather than sodding for a total of \$706,900 for two fields. Option number three would include using a contractor and City forces. The City would do the clearing and grubbing of the area and sodding the fields. The estimated time with ideal

conditions would be eight months with playing in the spring of 1998. The cost savings would be \$16,000 for a total cost of \$718,500. Option number four would again use a contractor and City forces to do the clearing and grubbing of the area, but seeding the fields. The estimated time table with ideal conditions would be playing soccer in the spring of 1999. It will take one year for the seed to be established. The cost saving would be \$16,000 for a total of \$690,900. Option number five would be a contractor and City forces with the City clearing the site and building the roadway. The fields would be sodded. The estimated time table with ideal conditions would be seven months playing in the spring of 1998. The cost savings would be \$60,000 for a total cost of \$674,500. Option six would have a contractor and City forces with the City clearing the site and building the roadway. The fields would be seeded instead of sod. The estimated time table would be seven months plus one year for the seed to be established. Soccer play would begin in the spring of 1999. The cost savings would be \$60,000 for a total of \$646,900. Please keep in mind that these figures are as bare cost as we can provide and do not include any amenities. Porta potties will be used and there may not be drinking water available. No handicap access would be available to the fields. She also noted that work being done by City forces would have to be worked around their normal work loads and emergencies. The sodded fields could be played on approximately in one month but would require intensive watering and irrigating. Public Works Director Baker noted that no engineering costs were included in these estimates. It is being assumed that our own Engineering Staff can develop the plans to do the grading work. If a contractor is hired, a fully detailed set of plans along with specifications will be needed. Mr. Baker noted that the Public Works Department would like the challenge to take on this project, however, it would take between 16-18 months of dedication of a complete crew to complete the project. It would affect other operations tremendously and would probably require asking other departments for help. He noted that his department was not outfitted like a complete contractor. Council requested some time to review all this information.

Council Member Green offered a motion to approve the following resolution proclaiming April 11, 1997 as Arbor Day in Harrisonburg. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

RESOLUTION PROCLAIMING APRIL 11 AS ARBOR DAY

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, Arbor Day is now observed throughout the nation and world; and

WHEREAS, trees can reduce erosion of topsoil, reduce energy consumption, moderate air temperatures, clean air, produce oxygen, utilize carbon dioxide, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource providing us with countless wood products,

WHEREAS, trees in our City increase property values, enhance economic vitality of business areas, and beautify our community; and

WHEREAS, the City of Harrisonburg has dedicated a park, Heritage Forest & Gardens Park, to the planting of trees to celebrate the heritage of our fair City; and

WHEREAS, trees, wherever they are planted are a source of joy and spiritual renewal,

NOW, THEREFORE, WE, THE HARRISONBURG CITY COUNCIL do hereby proclaim Friday, April 11, 1997 to be

ARBOR DAY

in the City of Harrisonburg, and we urge all citizens to celebrate this day and to support efforts to protect our trees and woodlands; and

FURTHER, we urge all citizens to plant trees to gladden the heart of this and future generations; and

FURTHER, we direct that a ceremony be held on April 11 at 6:00 p.m. at the Heritage Forest and Gardens Park to celebrate Arbor Day and dedicate donations of trees to the Park.

Date

Rodney L. Eagle, Mayor

Attest:

City Clerk

✓ Council Member Green offered a motion to submit these nominations to the Virginia Municipal League Police Committee. Stacy Turner to serve on the Community & Economic Development Committee, Roger Baker to serve on the General Government Committee, Steven Stewart and Lester Seal to serve on the Finance Committee, Larry Rogers to serve on the Human Development and Education Committee, Reggie Smith to serve on the Transportation Committee, Mike Collins to serve on the Environmental Quality Committee, and Larry Shifflett to serve on the Public Safety Committee. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request for approval of a supplemental appropriation for the Police Department. These funds which are available from a DMV grant will be used to purchase radar units. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,500 chge. to: 1000-32520 DMV Grant

\$1,500 approp. to: 1000-310131-46100 Police Supplies

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 the interest earned on the \$6,000,000 bond issued for the steam plant expansion. He noted that the funds must be used for the CISAT project. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$109,000 chge. to: 1324-31513 Investments earnings

\$109,000 approp. to: 1324-910142-48683 Steam Plant for CISAT

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

Colin Owens, representing the City schools, presented a report on roof repairs for Keister, Spotswood, and Waterman Elementary Schools. He advised that the key differences were represented by perspective and not numbers that are represented by error in judgement. These figures were provided by consultants that were paid to provide the information based on approach to solving the problem. Each of the three perspectives are represented by their solution approaches. In April 1996, the School Board contracted The Moseley McClintock Group to provide a condition report on the three elementary schools in order for the school division to define a scope of work with regard to potential renovations. Their solution approach included a patch and repair and limited replacement of roofs for addressing immediate problems and implementation of a contracted roof evaluation management program on an annual basis. The scope of work that is spelled out on the summary sheet is the actual scope of work identified in their conditional report provided to the schools. The estimate of costs includes their engineers and architects estimates and they are broad based estimates provided upon square footage and experience based approach. The total cost that Moseley McClintock Group submitted was \$99,800. This estimate included patch and repair, and limited replacement approach to solving the problem. In January 1997, the School Board contracted with Motley and Associates to take another look at this total renovation scope of work and try to come up with a fresh approach for solving all of the problems. Their perspective was a total renovation perspective. Their solution approach included roof replacement of nearly all areas of roofs at the three elementary schools with the exception of any newly replaced roofs. Their estimate for doing this was \$563,000. The third method used was trying to come up with real numbers in trying to provide the public, City Council and the School Board some useful information. The School Board contacted a local contractor, Don Largent Roofing, in March 1997 to utilize the contractor's perspective. This solution approach included patch/repair and replacement for immediate problems and implementation of an annual roof survey and maintenance program and broad estimates for work required to weatherproof the buildings above-ground which would be performed by other building contractors. That number is \$297,000 which includes patch/repair and limited replacement. It is not a wholesale replacement of roofs, it is taking off installations, but it is only dealing with the problem to get these schools dry and allowing us to move forward. Mr. Owens thanked the City Council in approving the supplemental appropriation in the amount of \$490,000 to allow the School Board to move forward on these projects. He noted that all three consultants pointed out that the primary approach to improving these roofs would be to delay any roof replacement until mechanical work is completed. Mr. Owens stated that after examination and re-examination of these numbers and trying to communicate them accurately, one of the things that has borne out through this process is that whether it is roofs or HVHC contracted services or some

other types of procurement related services or activities such as these it is clear that the possibility exists for us to work more closely with the City and City Council in trying to achieve some economy of scales in a total effort. Council Member Rogers questioned why the School Board had not presented a request to City Council to appropriate the approximately \$350,000 in unappropriated funds for some of these repairs. If that approximately \$350,000 was added to the \$490,000 appropriated money tonight and an additional \$490,000 after July 1, the schools should have enough money for these maintenance purposes. Council Member Green reiterated that the school officials have not made any effort to use the approximately \$350,000 for repairs to the elementary schools nor acknowledged that you have the money, and he said that he tried to spell that out at the last Council meeting, however, he did not get a response from school officials. He emphasized the newspaper still has not printed this information. Mr. Owens replied that he could not speak for the School Board and they would have to make that decision regarding the \$350,000. Again, Council Member Rogers pointed out that Council will be providing more than what was requested from the School Board. Council Member Green also noted that at the last Council meeting, it was pointed out that the School Board has \$350,000 and that City Council has appropriated \$490,000 plus an additional \$490,000 after July 1, which will exceed the \$1.2 million that the School Board requested. The money is there and if the administration would just initiate the request then the repairs could have already been made. Council Member Green further stated that it was confusing for Council to understand when we hear figures going from zero to ninety and then ranging from \$537,000 to \$297,000. He also noted that this is the first time he had ever seen or heard anything that all consultants agreed or indicated that repairs are necessary on all three elementary schools roofs before the mechanical work and other repairs were done. "I have attended all the meetings and I have never heard that statement." Council Member Green also stated that the Schools had an extra \$30,000 which was saved when Mike Collins put in the sewer. What are the plans for that money? He said that he received a telephone call from a citizen concerned about the roof at Harrisonburg High School. But, Council Member Green stated that the Schools have not used the approximately \$70,000 in the budget for the roof repair. Mr. Owens noted that money for the repair of the roof at Harrisonburg High School was included in the upcoming budget, not in the current budget. Council Member Rogers again questioned why didn't they appropriate and use the \$350,000 for lights at Keister or a leaking roof instead of accusing City Council of not supporting children. Council Member Rogers said that you say that you want to work with the City, but it does not seem like everything has been up front. He questioned how many of the teachers and administrators know that the School Board has \$350,000 in the current budget which could have been used for some of these repairs, maintenance or instructional material. Council Member Rogers stated that he seriously doubted if any of these people are even aware of this money. Vice-Mayor Lantz commented that Council gets blamed for a lot of things and while he had not said a lot of things about the schools, but when you look at the 22 million dollars Council has borrowed during the last five years, how can anyone say that City Council does not support the schools. That borrowed money could have built about four elementary schools which is the total of the elementary schools in the City. Vice-Mayor Lantz stated that he had read many letters to the editor and articles in the newspaper that insinuate the schools are crumbling, but architects tell me that is not true. These buildings are in excellent structural condition. Mr. Owens then commented that there is no question at all that these buildings are structurally sound. He went on to say that they desperately need some love and attention and he agreed completely with Vice-Mayor Lantz that they are structurally sound. However, Vice-Mayor Lantz noted if you read the newspaper you get the impression that they were crumbling and City

Council gets all the blame. Vice-Mayor Lantz stated that the taxpayers in this City have been very tolerant of the money that has gone toward the schools. He went on to say that he doubted that you can show me a school system anywhere that in the last five years has put as much capital money into schools as this Council and past Councils have done. That does not include the increases in the operating budget. This year we are talking about putting an additional 7% into the operating budget. That is a huge increase. Vice-Mayor Lantz stated that he is in the stock brokers business and any company would be delighted to receive a 7% increase in its operating budget. He stated that it really bothered him that people blame it all on the City Council. Because there has been a lack of maintenance, repairs are now needed in the elementary schools. However, he said he did not question that maintenance things must be done. Vice-Mayor Lantz stated that he has two children in the schools and he has been in all the schools. When Larry Rogers and he came onto Council they took a personal tour with the superintendent. Not once did the superintendent or any of the principals say that there were any maintenance or repair problems in the elementary schools. The only thing that Vice-Mayor Lantz heard during the last six months is that air-conditioning is needed in Waterman Elementary School especially in the second story level. It has only been in the last six months that all of a sudden our schools are crumbling. Vice-Mayor Lantz said he did not believe that it is true. He believes there is maintenance that needs to be done and technology needs to be improved. Basically within the next three months, this Council will provide \$1 million dollars for those repairs, hopefully we can do as much in the future and continue to meet some of the repair needs. Vice-Mayor Lantz said it really bothered him that all the blame has been put on City Council according to what he reads in the newspaper, because Council has been very tolerant of the money being put into the schools. All of us on Council support the schools. He said that we all have either children or grandchildren. We also realize that the school system is the City's number one asset. He said that the schools need to give this Council a chance to come forward with some repair money. The schools did not get in such a bad shape all at once and it cannot be repaired all at once. Council Member Rogers noted that a workshop held in October 1995 the community agreed that the schools were the strong point of the City and now in 1997, it is worst thing we have in the City. Council Member Rogers said there needs to be accountability from someone and he was raised that when you make a mistake you admit it and move on. Council Member Green said that he has never been able to receive a straight answer from Mr. Owens or Dr. Good on the way the budget is set up. He stated that the schools should have \$2.5 million in operations and maintenance. How much money do you have left? Mr. Owens said that there is approximately \$2.4 million that is in the function of operation and maintenance. But, he could not answer Council Member Green's question. He reviewed what is included in operations and maintenance and the budget for the School Board is approved on the basis of function. It is the budget category applied to all School Board facilities which covers salaries and fringe benefits of custodians and maintenance workers, utilities including water and sewer, natural gas, oil and electricity, capital outlay for all school and facility equipment including desks, typewriters, light bulbs, etc. He noted that within this fund is another fund where the School Board actually spend dollars in terms of maintaining the schools. Council Member Green stated that the Liaison Committee was promised a update on the study report before this Council meeting regarding how you intended to spend the other \$200,000 that will be left after the roof repairs are made. We specially asked for a local estimate on electricity for the Keister Elementary School and the improvement to plumbing. He asked if this report was coming forth? Mr. Owens responded that the School Board has contracted with two local firms. Council Member Green suggested that the School Board could save a lot of money by getting these local firms involved in

recommendations and suggestions and if HEC could help then they should be allowed to help. Mr. Owens said that there is no question that the local contractor seeing the buildings on a daily basis has a different perspective than an architect or engineer. Council Member Byrd questioned now that the School Board has the green light to proceed on these repairs when will the work be contracted. Mr. Owens said that the roofing work should begin within the next 30 days he hoped. Council Member Byrd then commented that going into the fall of the year, can the citizens of this community reasonably expect that a lot of the necessary work has been completed. Council Member Byrd said that he expected an answer since Mr. Owens cannot answer Council Member Green's question and he shared the same concerns, because Council has provided some big dollar amounts. Council Member Byrd said there needs to be some accountability for the funds that the City has appropriated now and in the future. Mr. Owens wanted to know if the question was, when will we have a plan? Council Member Byrd really did not receive an answer, but he replied that he would like to see come September, when the children are back in school, exactly what has been done and what has been spent. Is that an unreasonable request? Mr. Owens said it was not an unreasonable request, but did not acknowledge if the request would be honored. Council Member Rogers stated that if there are 135 school divisions in Virginia and Harrisonburg is ranked #16, than that means there are 119 other school divisions that have spent less per pupil than we have spent. He said that is a very good commitment from the City and it does not include debt service or buildings. That money is spent on instructions. Council Member Green stated that "I doubt if any other school divisions in the state have taken on the bonded indebtedness per pupil ratio that Harrisonburg has."

Carolyn Frank, a City resident and President of the Soccer League, stated that they thought there would be playing fields on the Willi property or the Hillandale Park area. Now we are looking at Smithland Road property. She commented that the petition having 100 signatures to revisit the issue of a golf course at Hillandale Park. She said the study of a golf course at Hillandale Park was good results and accurate. She said that she has a petition of 238 signatures requesting that the City take immediate action on soccer fields within the City. This petition represents all areas of the City and she said that she would be presenting it to City Council. The field at Spotswood Elementary is already one-third in dirt because of the use of the kids playing on the field. She said "I want someone to care about the youth in these programs in the City besides me. I have put in hundred of hours of volunteer work trying to develop this program. I want some action and accountability on this issue. I am tired of seeing children with bloody knees." Vice-Mayor Lantz commented that he could understand her frustration with the soccer issue and that he believed that Council was at a point where we realize there is an urgency and you will see this Council act on it very quickly. He also emphasized that this Council has never revisited the issue of a golf course. The only people that have revisited the golf course issue is the Daily News Record and residents that live around Hillandale Park. They presented the petition that they wanted a golf course and we have not acted on it nor discussed it. Residents are asking to revisit the golf course, not City Council. Council Member Rogers noted that we will get some soccer fields.

City Manager Stewart said that he and Council Member Rogers attended the City/County Criminal Justice Board meeting on April 7. The Commonwealth Attorney has requested that the City and County endorse the grant application for state funds for a Victim Witness Grant in the amount of \$45,605.31 to be used to keep victims of crimes notified when there is any action involved in their case, whether somebody is being released from jail or if a trial is coming up. It is state

mandated. Council Member Green offered a motion to approve this application. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart announced that demolishing the Schewel's furniture building on South Main Street has been scheduled for April 18 at 6:00 p.m. The front part of the building should be demolished by April 21 at 6:00 a.m. It should take approximately six weeks to complete the project. The Gay Street bridge should be re-opened on Monday, April 14. If Council wants to have a work session on the budget between now and the public hearing on April 22, please let him know.

Mayor Eagle requested help on the Clean-up Day on April 21. He encouraged good attendance for this event, because we need to have a battle plan.

Assistant City Manager Baker handed out a pamphlet that the Deer Population Task Force has developed as part of the educational process. It contains information on things the deer like and do not like and how to live with the deer. It also explains the Kill Permit Program. These pamphlets will be distributed to the local nurseries.


At 9:32 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 Blue Ridge Community College Board of Trustees, Private Industry Council, Shenandoah Valley Battlefields National Historic District Commission and Social Services Advisory Board and the evaluation of a City department, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:34 p.m., the executive session was declared closed and the regular session reconvened. City Manager Stewart 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 directed that Council Member Byrd contact Cullen Sherwood about serving on the Shenandoah Valley Battlefields National Historic District Commission. If he was unavailable, try to get another nominee.

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


CLERK


MAYOR

REGULAR MEETING

APRIL 22, 1997

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 Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Council Member John H. Byrd, Jr.

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

Human Resource Director McBride introduced five new City employees: Alfred Miller, Chris Furry, Lanny Dove, David Derrow, and Charles Taylor, Public Works Department.

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

City Manager Stewart briefly reviewed the 1997-98 budget with City Council. A presentation was made to Council on April 8, and this document has been available to the public. He reiterated that although there was no proposed tax rate increase, according to State law a reassessment for real estate did have to be done. The overall real estate reassessment increased by 2.47%, however, the real estate rate will remain at 62 cents. He noted that in order for the City to meet its expenses, it must keep the current spread between the City and County tipping fees. Therefore, the City will have to raise its tipping fee at the landfill. The budget focuses on three primary functions which include education, public safety and maintaining the existing infrastructure. City Manager Stewart then reviewed the 12 goals from the 1996 Council Planning Session. He commented that the City is very involved in expanding the library. Historically the City has funded the library at a higher per capita level than the other two jurisdictions in the regional library. The City has proposed a 10% increase in operating funds for the library, which is significantly higher than they have funded any other City department. The City has committed in excess of \$300,000 to demolish the Schewels building to create a parking lot to serve the library and the downtown area, however, the library owns the property. In addition, the City will continue to fund the capital improvement program of the expansion of the library for \$1 million. The proposed budget is approximately \$65,250,692 or about 21% decrease in the total budget. The general fund budget, which provides many services that most citizens are interested in, is actually a 1.1% increase over the current budget as amended. The primary reason for the overall budget decrease is that many items in the current budget were one-time capital projects. Education is a very significant part of the City and next year the schools will receive approximately \$28.3 million or 42% of the proposed net expenditures in the budget and 43% of the General Fund budget. In addition, Council appropriated \$490,000 to the schools for maintenance needs and plans to appropriate another \$490,000 in July,

if possible. Mr. Stewart noted that it takes all of the property tax revenues and nearly all of the business license revenues just to fund the schools. It again speaks loudly as to the priority placed on schools. He reviewed debt service for the schools during the last ten years. He pointed out that Council had issued \$30,250,000 in general obligation bonds in the last ten years and that \$22,250,000 of that had been issued in the last five years. The City is committed to public safety and noted that the proposed Police Department budget will include adding six new employees. The Fire Department budget proposes hiring six new firefighters responding to the "Two-In-Two-Out" rule. He noted that adding six new firefighters will not completely solve the problem, but it will be a significant step forward in complying with the rule. A small funding increase has been proposed for the all volunteer Rescue Squad. This budget will accomplish a great deal for the City next year. Mr. Stewart noted that it will allow the City to live within its means and make a significant contribution to education and public safety, while maintaining the existing infrastructure. Mr. Stewart noted that many items in the Capital Outlay could not be funded because the funds were not available. These items include maintaining present equipment, delaying major repairs on the West Elizabeth Street bridge, replacing a roof at the Community Athletic Center, and delaying renovations at the Water Street Parking Deck. He also mentioned that Park Road improvements, a priority three project is not in the budget.

At 7:58 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 Friday, April 11, 1997.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 1998
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 22, 1997 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.

| | 1997-98 | 1996-97 |
|-----------------------------|-----------------|----------------|
| | As | As |
| <u>Revenue-By Funds</u> | <u>Proposed</u> | <u>Amended</u> |
| General | 40,479,629 | 39,992,136 |
| School | 28,300,152 | 27,101,288 |
| General Capital Projects | 600,000 | 12,236,571 |
| Water Capital Projects | 1,265,000 | 1,745,396 |
| Sewer Capital Projects | 991,900 | 1,843,225 |
| Sanitation Capital Projects | 20,000 | 5,546,457 |
| Water | 4,665,332 | 4,333,738 |
| Sewer | 5,239,277 | 5,601,316 |
| Public Transportation | 2,805,875 | 2,644,463 |
| Sanitation | 4,991,254 | 5,268,335 |
| Parking Authority | 197,395 | 319,230 |

| | | |
|--------------------------|-------------------|-------------------|
| Central Garage | 458,138 | 592,005 |
| Central Stores Operating | <u>73,104</u> | <u>97,585</u> |
| Gross | 90,087,056 | 107,321,745 |
| Inter fund transfers | (23,110,072) | (22,958,947) |
| Net | <u>66,976,984</u> | <u>84,362,798</u> |

Expenditures - By Funds

| | | |
|-----------------------------|-------------------|-------------------|
| General | 40,479,629 | 39,992,136 |
| School | 28,300,152 | 27,101,288 |
| General Capital Projects | 600,000 | 12,236,571 |
| Water Capital Projects | 1,265,000 | 1,745,396 |
| Sewer Capital Projects | 991,900 | 1,843,225 |
| Sanitation Capital Projects | 20,000 | 5,546,457 |
| Water | 4,665,332 | 4,333,738 |
| Sewer | 5,239,277 | 5,601,316 |
| Public Transportation | 2,805,875 | 2,644,463 |
| Sanitation | 4,991,254 | 5,268,335 |
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| Central Garage | 458,138 | 592,005 |
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| Gross | 90,087,056 | 107,321,745 |
| Inter fund transfers | (23,110,072) | (22,958,947) |
| Net | <u>66,976,984</u> | <u>84,362,798</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.

Steven E. Stewart
City Manager
City of Harrisonburg, Virginia

Mayor Eagle called on anyone present desiring to speak either for or against the 1997-98 budget.

Cathy Stevenson, Chairman of the Harrisonburg City School Board, appealed to Council to fully fund the board's proposed increase of approximately \$1.8 million in the operating budget. She said if the Council's proposed budget is adopted, the School Board will have to cut its budget and the effect will be devastating. She listed a number of programs that could be affected by the cut, including reading programs and additional personnel or possibly salaries.

Robert Frazier, School Board Member, commented that a reduction in the School's budget request will seriously impair the School Board's ability to address daily needs and program initiatives. The full \$1.8 million request of local funding will allow the School Board to continue to provide the quality education that students deserve and tax paying parents demand. Because of the 1983 annexation, the schools now have 3,600 students compared to 2,700 in 1983. Over the past ten years the relationship between the Council and the school system has been positive in providing modern facilities for the students' education. He suggested that City Council and the School Board consider working on a financial plan that would allow the expediency of renovations of the school buildings. Les Bolt stated that the presentation of tonight's budget, along with the public relation article that appeared in the newspaper, states that City Council is aware that the schools have serious, severe, and long term needs that are not currently being addressed. Nevertheless, funding the schools at this level will not solve the basic problems or take the children into the 21st century. Although he said the appropriated \$490,000 funding provided this year and the \$490,000 funding to be appropriated next year are welcome funds that will do some good, they will not address some substantial technology needs, curriculum needs or substantial resource needs that the schools will have to have to prepare kids for the next century.

Mary Jane Simmers, a teacher, said that the City's third-lowest tax rate among Virginia independents Cities was a disgrace. She said we have had the bragging rights but it cannot continue especially about computer technology.

Tim Hulings said that he wished he could say that the library is a mediocre library, but it is not. He said that the library is in the bottom percentile of libraries in the state from the point of public support, replacement of books and automation. The library is limited by the support that it receives from the jurisdictions.

Dan Todd, Library Association Board Member, said that he has been involved in establishing the library in Timberville. While comparing our library to our sister Cities of Staunton, Winchester, and Waynesboro, Harrisonburg is not doing enough to bring the library up to a first rate library.

Beverly McGowan said that the City's attention to infrastructure, public safety and education was on target, but that the focus needed to be sharpened. She also urged that the tax rate be increased.

Bill Boyd, President of the Board of Trustees of the Library, said that the library board is not comfortable in accepting the proposed 10% increase in funding. Mr. Boyd said, "As well as being the third-lowest tax rate City we enjoy the privilege of being one of the lowest funded and operated libraries. The library board is unable to continue providing an equal quality product. A member of the Board of Page County stated that since the City of Harrisonburg was not meeting its requirements, they would cut their funding by 25%. The downtown library is diminishing in its importance."

Steven Blatt representing Keister Elementary School urged the Council to stop finger-pointing and develop a financial plan to solve these problems at the schools. He said that he was also concerned about the police protection in the City and that City Council needed to solve all of these problems. Among possible solutions, he suggested that Council and School Board should participate in a parent-sponsored forum to get questions answered. He requested that the City conduct its own maintenance code inspection of the schools so, "We will have some base line to figure out whether these are really maintenance problems that are serious or not. I want my children to have the same type of structure to go to school in that the JMU students rent from their landlords and I don't think that is too much to ask."

Bonita Sonifrank proposed five statements to City Council and the School Board. She said, "#1) We believe that we are owners of a public education system, #2) As owners we bear a responsibility to participate in the system, #3) The accountability of the system, its employees and its funding rests with us and the rest of the system owners, #4) Our children's future depends on the improvement of the system, and #5) This improvement depend on all participation." We promise to live up to our role as owners of the public school system and suggest that major commitment to education cannot begin soon enough.

Kathy Phillips suggested that everyone take down the brick walls and work together. Our children deserve the best education that they can get.

George Thompson commented that prior to moving to the Shenandoah Valley with his wife in 1983, he lived in Madison, Wisconsin. He noted that last year by an overwhelming choice Madison was selected out of all towns and all scales as the number one City in America to live in. He said that although he would not like to have the tax rate of Madison, you get what you pay for. People from all over the world visit Madison to see how it can integrate environmental quality and preserve its natural heritage and culture heritage.

John Parcell stated that finding out that the City is in the lowest tax rate for a City of its size with the commitment that it has and the problems with the schools, does not make him feel good. He would support a tax increase to help fund some of the problems with the schools. 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 Green offered a motion that the 1997-98 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 Members present.

✓ Mayor Eagle stated that it was a real pleasure to welcome members of the Board of First Night Harrisonburg and community supporters of this wonderful annual arts event that contributes so much to our community. Mayor Eagle noted that with so much going on in Harrisonburg that it was important to take time out once and a while to thank the people for the things they do to make this area a better place to live. The people who bring First Night to the Shenandoah Valley on New Year's Eve work throughout the entire year in preparation for the wonderful celebration we all have the opportunity to enjoy together. It is a celebration that is family oriented and non-alcoholic and it reminds us of the good things about ourselves and others. He recognized Dr. Carol Kefalas who has served as president for First Night for the past two years and Anne Stephens who has served as Executive Director for the past five years. Dr. Kefalas and Mrs. Stephens thanked the City for its support, the many contributors, supporters and sponsors who make First Night happen. Mrs. Stephens said that it is truly a community event by the community and for the community and without the contribution and support of the businesses it would not happen. She recognized the many participants of First Night 1996 including Mountain Valley Corporation, Daily News-Record, HEC, Rocco, Rockingham Heritage Bank, Rockingham Memorial Hospital, Showalter-Stauff Insurance Agency, Rotary Club, Tennaco Packing, Shenandoah Pride, Nielsen Construction, James McHone Jewelry, Litten & Sipe, RE/MAX Reality, WLR Foods, Warner Cable, WHSV-TV, and the City of Harrisonburg. She noted that many people had signed the Resolution Quilt including City Council. The quilt will be on display at the Quilt Museum, library and many public schools.

✓ Mayor Eagle recognized the achievement of the Harrisonburg High School Band which completed in a band contest that included seven states. The Women Corps placed third, the Mixed

Chorus placed second, and Triple Trio and Company were awarded a first place trophy in the National Choir Division. Also, they awarded the Harrisonburg Blue Streaks Marching Band a rating of excellence with an indoor color guard performance. These students work long and hard and take their own time to participate in these events before and after schools. The instructors put a lot of time into it.

✓ Planning and Community Development Director Turner introduced a recommendation for a conveyance of Devon Lane right-of-way to the City and a request by Edmond Blackwell, agent for applicant, for a Final Plat approval of Foxhill Townhomes, Section 1. She said that this final plat involves dedication of approximately 17,966 square feet for the extension and alignment of Devon Lane and also the platting of 21 townhouse lots. It is hoped that with future phases of this development that Devon Lane will be connected to Lois Lane if Lois Lane becomes a public road so that it will provide access from Port Republic Road to Peach Grove Road. This phase was approved by Planning Commission. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded By Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

✓ Steve Jackson, representing the City schools, presented a request for the City Manager to sign an application for a grant for the Virginia Preschool Initiative for At-Risk Four-Year-Old Children. Mr. Jackson said that this is a continuation of an existing program, local funds are the same as the current year, and are in the School Division's budget. Council Manager Rogers offered a motion to authorize the City Manager to sign the application. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart announced that the Finance Department had received the Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. Mr. Stewart also recognized Lester Seal, Director of Finance, and the entire Finance Department. He said that the CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

✓ Public Works Director Baker presented a brief report on the demolition of the Schewels's furniture building. He said that the contractor ran into some difficulties in demolishing the building so one lane of South Main Street will be closed a little longer than had been anticipated. The Public Works Department has designed a plan for the parking lot containing 29 metered parking spaces with two of the spaces being handicapped. They will install a bike rack at the back of the parking lot. The project should be completed in four weeks.

✓ Public Utilities Director Collins announced that Superior Industrial Maintenance Company has been awarded a contract to repair and paint the Washington Street Water Tank. He said that they will sandblast both the interior and exterior of the water tank. The project should begin in May and be on line for the JMU students in late August or early September. Council Member Green

offered a motion to approve the contract. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart announced that the City is considering a land purchase that would add 10 acres to Hillandale Park. He noted that there are no current plans to develop the property. Council Member Rogers offered a motion to purchase this property. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart announced that the City is also considering purchasing a 38⁺-acre tract of land along Pleasant Valley Road to be used for soccer. This property is still in negotiations, but it should allow the City to develop soccer fields much earlier than developing soccer fields at the Smithland Road property.

Planning and Community Development Director Turner commented that an article which appeared in the newspaper suggested that by the year 2003 or 2004 the City should reach a static population. She said that she felt like some clarification was needed because of the article. When the Community Development Department was preparing a slide show for presenting the Comprehensive Plan at a work session, newspaper reporter, Jeff Mellott, was present. Although one slide portrayed that the City's population was growing, one graph indicated that a percentage of growth had been decreasing. Mr. Mellott commented that if the City continued in a trend like this maybe sometime the City would get to a point where it would level out its population growth. After the work session, they discussed that the department had not really done enough research on this to find out if this should be presented to the public during the Comprehensive Plan presentation. They decided to not include this particular slide in the presentation; however, since a media representative was present, the idea was planted. Mrs. Turner commented that she had spoken with Mr. Mellott and noted that since it was a state trend in declining population growth over the last several years as well, she did not think it was something particular to the City and it did not merit a lot of attention. Then it was published in the Daily News Record. She also noted that the state is growing; however, it is growing at a smaller rate.

Tom Bundrick wanted some clarification on the purchase price of the approximately 38 acres located on Pleasant Valley Road. He also questioned what would be done with the sewer lines on the property. Mr. Stewart commented that nothing has to be done with the sewer lines, but some sewer man holes may have to be lowered or raised.

Walter Kurt stated that he owned SEI, Inc. He said that he had aggressively been pursuing purchasing one of the bank buildings in the downtown area. He noted that he does have documentation that will attest to this fact. He expressed his concern regarding JMU purchasing these bank buildings.

Dr. Cathy Slusher apologized for not being present during the public hearing on the budget. She said that cuts made from the budget will not have the profound impact on her or others, but will impact the future citizens of the City. She encouraged Council to look beyond this year and consider the future citizens of the City when approving the budget to make sure that our foundations, principles, and initiatives will stand firm and keep the City strong.

Beverly McGowen said that she was concerned about the budget and soccer. She said that as a soccer mom with three children playing soccer, she was alarmed that Council would consider purchasing property on Pleasant Valley Road to be used for soccer fields. She suggested that all soccer fields for the children playing in the City's recreation league should be located in a park atmosphere.

At 9:29 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 Blue Ridge Community College Board of Trustees, Private Industry Council and Social Services Advisory Board and the evaluation of a City department, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, exempt from public meeting requirement pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:27 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 Rogers offered a motion to approve purchase of 38± acres known as Callender property located on Pleasant Valley Road at a cost of \$190,000 to be financed over three years at 6% interest with \$50,000 down, contingent upon the City's Engineering Department performing appropriate engineering and feasibility studies to determine the practicality of developing the property for at least six soccer fields. The motion was seconded by Vice-Mayor Lantz and approved with a unanimous vote of Council Members present.

Council Member Green offered a motion to renew City Manager Stewart's employment agreement from July 1, 1997 through June 30, 2000. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council Members present.

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


CLERK


MAYOR

REGULAR MEETING

MAY 13, 1997

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.

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 Lantz, and approved with a unanimous vote of Council.

City Manager Stewart briefly reviewed the real estate tax rate. He said that the 1997-98 budget is built on a \$.62 per \$100 evaluation for the real estate rate. The Commissioner of Revenue's office conducted a reassessment, which resulted in an overall increase in the City's real estate tax base of about 2.47%. The state requires that if the reassessment results in an increase of 1% in revenues, the City must hold a public hearing if it intends to maintain the same tax rate.

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 Friday, May 2, 1997.

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The City of Harrisonburg, proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 2.47 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$.605 per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The City of Harrisonburg proposes to adopt a tax rate of \$.62 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.015 per \$100, or 2.47 percent. This difference will be known as the "effective tax rate increase." Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Net of Transfers: Based on the proposed real property tax rate and changes in other revenues, the total budget of the City of Harrisonburg will be less than last year's by 20.6 percent due to a reduction in capital projects for 1997-98.

A public hearing on the effective rate increase will be held on May 13, 1997 at 7:30 p.m., in the Municipal Building Council Chambers.

The hearing shall be open to the public. The City Council shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the City Council. The City is required by State law to reassess real estate every two years.

Mayor Eagle called on anyone present desiring to speak either for or against the real estate tax rate. Cathy Stevenson recommended that City Council keep the \$.62 tax rate and not roll it back any farther since the budget is based on it.

Jim Jenkins said that he was against the \$.62 tax rate. Although the change was not a large increase, he felt the small change would result in a large increase one day. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened.

City Manager Stewart presented a request from the Roberta Webb Child Care Center to be exempt from local taxation. He noted that the Roberta Webb Child Care Center had responded to the nine questions that the state code requires to answer as part of the consideration for receiving tax exempt status. He reviewed the current 11 tax exempt organizations located in the City. He noted that the final decision rests with the General Assembly.

At 7:42 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 Wednesday, May 7, 1997.

CITY OF HARRISONBURG NOTICE OF PUBLIC HEARING

Please take notice that on May 13, 1997 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 Roberta Webb Child Care Center, Inc., a non-profit corporation, for exemption from local taxation. The assessed value of all property owned by Roberta Webb Child Care Center, Inc. in the City of Harrisonburg for the year 1996 was \$10,000.00 and the taxes paid the City for the year 1995 was \$160.00. 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.

Merle Zook, Treasurer on the Board of Directors for the Roberta Webb Child Care Center, said that the facility was a non-profit United Way Agency serving children from ages two through five. It provides affordable license child care in a safe and nurturing environment. The program is geared toward parents who balance work or school with little or no support. All children are welcome and they turn no child away due to a lack of funds. The Roberta Webb Child Care Center provides an important service to the Harrisonburg Community by providing affordable child care to parents who have few options. The center is located in the northeast section of the City near several public housing units. The center works closely with the Department of Social Services to provide child care for family transitioning off welfare. They receive many referrals from Mercy House and First Step. Because of the type of persons the center tries to help, the revenue generated through program service fees does not come close to matching the cost for child care.

Don Driver, Director of Social Services, said that day care is an extremely important piece in welfare reform. Day care helps people to become independent and step out into the world of work. The Social Service Department purchases services from the Roberta Webb Child Care Center based on the person's eligibility for its services. This center helps with the day care needs of a large indigent population. Social Services sponsors a significant number of children at the center. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Rogers offered a motion to make a recommendation to the General Assembly that the Roberta Webb Child Care Center be approved for tax exempt status. The motion was seconded by Council Member Green, and approved with a unanimous vote. City Attorney Thumma will prepare a resolution to be presented at the next City Council meeting and then submit to the General Assembly. Council Member Green suggested that an investigation be conducted to decide if the Harrisonburg Rockingham Child Day Care Center is non-profit. City Manager Stewart commented that only non-profit organizations can request to be tax exempt.

Planning and Community Development Director Turner introduced a request to consider proposed amendments to the City Zoning Ordinances. She said that during Planning Commission's review of proposed amendments to the City's off-street parking requirements, Staff was requested to propose a revision to reduce the area required for parking. She said the purpose of the request was to address discrepancies between the number of parking spaces required by the zoning ordinance and the number of spaces a developer needs. This type of provision is not common practice in this region of the country; however, the proposed changes would allow developers the opportunity to determine their own parking needs and provide spaces accordingly. The Planning Commission directed staff to develop wording to include the provision as a special use permit in all zoning districts within the City. The wording in the special use permit would read "reducing required parking area to permit fewer than the required number of parking spaces for any use provided that an amount of open space equal to the amount of space that would have been used for the required number of parking spaces is left available for parking in the event that they need it at some time in the future. Open space use for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of the zoning ordinance." Including this provision in the special use permit category will provide a control mechanism for the Planning Commission. It will permit

City Council to impose any requested site specific conditions for reducing required parking spaces and setting time frames for reviewing how the situation is working. She said that Planning Commission recommended that these proposed amendments to Sections 10-3-71 (B-1A Local Business District), 10-3-91 (B-2 General Business District) and 10-3-97 (M-1 General Industrial District) be approved.

At 7:59 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, April 28, and Monday, May 5, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, May 13, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendments and Changes

Amendments to Section 10-3-34 (R-1 Single Family District), 10-3-40 (R-2 Residential District), 10-3-46 (R-3 Multiple Dwelling District), 10-3-52 (R-4 Planned Unit Residential District), 10-3-58 (R-5 Planned Single Family Residential District), 10-3-63 (MH-1 Manufactured Home Subdivision District), 10-3-71 (Manufactured Home Subdivision District), 10-3-79 (B-1A Local Business District), 10-3-91 (B-2 General Business District) and 10-3-97 (General Industrial District) of the City Zoning Ordinance to reduce required parking areas through a 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

Mayor Eagle called on anyone present desiring to speak either for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve this request for a first reading as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote.

City Manager Stewart presented for Council's consideration of approval the adoption of the 1997-98 Appropriation Ordinance for a second reading.

**APPROPRIATION ORDINANCE
OF THE CITY OF HARRISONBURG, VIRGINIA
For the Fiscal Year Ending June 30, 1998**

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1998. 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 general government purposes herein specified for the fiscal year ending June 30, 1998:

Paragraph One - City Council and Clerk (110111)

For the current expenses and capital outlays of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred three thousand, four hundred eighty-five dollars (\$103,485) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$36,352 |
| (2) | Other Operating Expenses | 58,533 |
| (3) | Capital Outlays | 8,600 |

Paragraph Two - Office of City Manager (120111)

For the current expenses of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of two hundred sixty-two thousand, nine hundred seven dollars (\$262,907) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$181,220 |
| (2) | Other Operating Expenses | 81,687 |

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-four thousand, five hundred eighty-six dollars (\$44,586) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$44,586 |
|-----|--------------------------|----------|

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-nine thousand, three hundred sixty-five dollars (\$99,365) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$74,825 |
| (2) | Other Operating Expenses | 23,560 |
| (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 thirteen thousand dollars (\$13,000) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$13,000 |
|-----|--------------------------|----------|

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 eighty-nine thousand, nine hundred forty-nine dollars (\$289,949) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$193,189 |
| (2) | Other Operating Expenses | 84,760 |
| (3) | Capital Outlays | 12,000 |

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of thirty-three thousand, five hundred thirty dollars (\$33,530) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$20,000 |
| (2) | Other Operating Expenses | 13,530 |

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 two thousand dollars (\$2,000) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|---------|
| (1) | Other Operating Expenses | \$2,000 |
|-----|--------------------------|---------|

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 three hundred five thousand, six hundred thirty-eight dollars (\$305,638) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$190,589 |
| (2) | Other Operating Expenses | 95,679 |
| (3) | Capital Outlays | 19,370 |

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 fifty-seven thousand, nine hundred forty-four dollars (\$257,944) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$180,714 |
| (2) | Other Operating Expenses | 74,230 |
| (3) | Capital Outlays | 3,000 |

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-nine thousand, five hundred fifty-three dollars (\$99,553) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$31,908 |
| (2) | Other Operating Expenses | 62,328 |
| (3) | Capital Outlays | 5,317 |

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-six thousand, five hundred forty-nine dollars (\$86,549) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$62,366 |
| (2) | Other Operating Expenses | 24,183 |

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 of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of ninety-seven thousand, five hundred forty-eight dollars (\$97,548) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$66,636 |
| (2) | Other Operating Expenses | 30,912 |

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, two hundred eighty-three thousand, four hundred sixty-seven dollars (\$3,283,467) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-------------|
| (1) | Personal Services | \$2,212,054 |
| (2) | Other Operating Expenses | 933,413 |
| (3) | Capital Outlays | 138,000 |

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, seven hundred ninety-five thousand, two hundred eighty-eight dollars (\$2,795,288) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-------------|
| (1) | Personal Services | \$1,820,229 |
| (2) | Other Operating Expenses | 879,509 |
| (3) | Capital Outlays | 95,550 |

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-five thousand, five hundred dollars (\$35,500) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$35,500 |
|-----|--------------------------|----------|

Paragraph Nineteen - Building Inspection (340121)

For the current expenses of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of three hundred twenty-one thousand, six hundred ninety-one dollars (\$321,691) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$219,955 |
| (2) | Other Operating Expenses | 101,736 |

Paragraph Twenty - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of sixty-seven thousand, five hundred fifteen dollars (\$67,515) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$21,880 |
| (2) | Other Operating Expenses | 45,635 |

Paragraph Twenty-One - Coroner (350331)

For the current expenses of the CORONER, a division of the Department of Public Safety the sum of nine hundred dollars (\$900) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-------|
| (1) | Other Operating Expenses | \$900 |
|-----|--------------------------|-------|

Paragraph Twenty-Two - Emergency Services (350532)

For the current expenses and capital outlays of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of one hundred sixty-two thousand, eight hundred four dollars (\$162,804) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Other Operating Expenses | \$154,804 |
| (2) | Capital Outlays | 8,000 |

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 six hundred twenty-two thousand, nine hundred sixty-five dollars (\$622,965) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$324,891 |
| (2) | Other Operating Expenses | 138,074 |
| (3) | Capital Outlays | 160,000 |

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 thirty-one thousand, one hundred sixty dollars (\$2,931,160) is appropriated from General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$848,178 |
| (2) | Other Operating Expenses | 1,768,272 |
| (3) | Capital Outlays | 314,710 |

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 forty-three thousand, two hundred twenty-three dollars (\$143,223) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$45,860 |
| (2) | Other Operating Expenses | 86,963 |

(3) Capital Outlays 10,400

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 forty-five thousand, six hundred sixty dollars (\$545,660) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$202,500 |
| (2) | Other Operating Expenses | 243,160 |
| (3) | Capital Outlays | 100,000 |

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 forty-five thousand, seven hundred twenty-eight dollars (\$245,728) is appropriated from the General Fund to be appointed as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$144,607 |
| (2) | Other Operating Expenses | 99,121 |
| (3) | Capital Outlays | 2,000 |

Paragraph Twenty-Nine - Street Cleaning (420241)

For the current expenses of STREET CLEANING, a division of Public Works, the sum of one hundred ninety-eight thousand, one hundred sixty dollars (\$198,160) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$95,926 |
| (2) | Other Operating Expenses | 102,234 |

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-two thousand, six hundred sixty-eight dollars (\$32,668) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$16,877 |
| (2) | Other Operating Expenses | 12,791 |
| (3) | Capital Outlays | 3,000 |

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-three dollars (\$159,563) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$18,540 |
| (2) | Other Operating Expenses | 108,023 |
| (3) | Capital Outlays | 33,000 |

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 two hundred seventeen thousand, two hundred fifty-six dollars (\$217,256) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Other Operating Expenses | \$217,256 |
|-----|--------------------------|-----------|

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 ninety-one thousand, nine hundred seventy-five dollars (\$91,975) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$91,975 |
|-----|--------------------------|----------|

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, two hundred twenty-two thousand, three hundred eight dollars (\$1,222,308) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$569,904 |
| (2) | Other Operating Expenses | 560,154 |
| (3) | Capital Outlays | 92,250 |

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

For the current expenses of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of three hundred forty-four thousand, three hundred eighty-eight dollars (\$344,388) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$219,943 |
| (2) | Other Operating Expenses | 124,445 |

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-three thousand, five hundred eighty-five dollars (\$63,585) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$26,703 |
| (2) | Other Operating Expenses | 36,882 |

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 six hundred dollars (\$600) is appropriated from the General Fund to be apportioned as follows:

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

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 twenty-four thousand, one hundred seventy-three dollars (\$224,173) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$129,120 |
| (2) | Other Operating Expenses | 95,053 |

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-one thousand, two hundred sixty-five dollars (\$21,265) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|---------|
| (1) | Personal Services | \$8,358 |
| (2) | Other Operating Expenses | 12,907 |

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 forty-two thousand, six hundred fifty-one dollars (\$142,651) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$91,658 |
| (2) | Other Operating Expenses | 44,993 |
| (3) | Capital Outlays | 6,000 |

Paragraph Forty-Two - Zoning Administration (810221)

For the current expenses of ZONING ADMINISTRATION, a division of the Department of Community Development, the sum of seventy-three thousand, four hundred ninety-seven dollars (\$73,497) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$53,389 |
| (2) | Other Operating Expenses | 20,108 |

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-seven thousand, five hundred sixty-two dollars (\$67,562) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$49,400 |
| (2) | Other Operating Expenses | 18,162 |

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

For aiding the activities of independent, civic, charitable, and other organizations, the sum of six hundred seventy-one thousand, five hundred eighty dollars (\$671,580) is appropriated from the General Fund to be apportioned as follows:

| | |
|---|---------|
| 43850 Central Shenandoah Planning District | \$7,856 |
| 45642 Local Chamber of Commerce | 3,000 |
| 45644 Salvation Army | 4,400 |
| 45645 Rescue Squad-Gas and Oil | 10,000 |
| 45647 Shen Val. Soil & Water Conservation Dist. | 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 Convention & Visitors Bureau | 38,470 |
| 45656 BRCC-Site Improvement | 20,000 |
| 45658 Greener Harrisonburg | 1,000 |
| 45660 Other Non-departmental | 25,000 |
| 45664 Woodbine Cemetery | 1,500 |
| 45669 Boys and Girls Club | 15,000 |
| 47010 Rockingham County Library-Operating | 191,761 |
| 47011 Rockingham County Library - Capital Outlays | 200,000 |
| 47020 Upper Valley Regional Park Authority | 30,000 |
| 47030 Juvenile Detention Home | 66,493 |

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

For the payment of joint expenses, the sum of one million, four hundred six thousand, six hundred sixty-two dollars (\$1,406,662) is appropriated from the General Fund to be apportioned as follows:

| | |
|--|-----------|
| 47070 Expense of Sheriff, Courts, etc. | \$845,000 |
| 47071 Expense of Social Service District | 561,662 |

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

For the payment of Airport Expenses, the sum of thirty-five thousand dollars (\$35,000) is appropriated from the General Fund to be apportioned as follows:

| | |
|---------------------------|----------|
| 47040 Airport - Operating | \$35,000 |
|---------------------------|----------|

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

For the payment of dues to Municipal Organizations. The sum of thirteen thousand, two hundred fifty dollars (\$13,250) is appropriated from the General fund to be apportioned as follows:

| | |
|----------------------------|----------|
| 45810 Dues and Memberships | \$13,250 |
|----------------------------|----------|

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, nine hundred twenty-five thousand, seven hundred ninety-seven dollars (\$1,925,797) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|---------------------------|-------------|
| (1) | Serial Bonds and Interest | \$1,922,285 |
| (2) | Bank Handling Charges | 3,512 |

Paragraph Fifty - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty million, one hundred nineteen thousand, three hundred twenty-eight dollars (\$20,119,328) is appropriated from the General Fund to be apportioned as follows:

| | | |
|-----|-------------------------------|------------|
| (1) | General Capital Projects Fund | \$600,000 |
| (2) | School Fund | 17,272,932 |
| (3) | Central Garage Fund | 27,216 |
| (4) | Central Stores Fund | 29,232 |
| (5) | Public Transportation Fund | 558,960 |
| (6) | Sanitation Fund | 1,626,500 |
| (7) | Parking Authority Fund | 4,488 |

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, 1998 | <u>\$40,479,629</u> |
|--|---------------------|

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

| | |
|--|-------------|
| Amount from Fund Balance | \$1,504,125 |
| General Property Taxes | 14,249,020 |
| Other Local Taxes | 16,308,599 |
| Permits, Privilege Fees and Regulatory Licenses | 267,950 |
| Fines and Forfeitures | 233,000 |

263
248

| | |
|--------------------------------------|----------------|
| Revenue from use of Money & Property | 550,364 |
| Charges for Services | 226,050 |
| Miscellaneous Revenue | 2,745,068 |
| Recovered Costs | 59,000 |
| Non-Categorical Aid | 830,200 |
| Shared Expenses (Categorical-Aid) | 259,620 |
| Other Categorical-Aid | 2,639,153 |
| Non-Revenue Receipts | 1,000 |
| Transfers from other Funds | <u>606,480</u> |

| | |
|--|----------------------------|
| Total General Fund Revenue for the Fiscal Year Ending June 30, 1998 | <u><u>\$40,479,629</u></u> |
|--|----------------------------|

SECTION II - SCHOOL FUND (1111)

That the following sums of money be and the same hereby are appropriated for school purposes specified for the fiscal year ending June 30, 1998:

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION OF THE DEPARTMENT OF EDUCATION, the sum of nineteen million, sixty-nine thousand one hundred fifty-one dollars (\$19,069,151) is appropriated from the City School Fund to be apportioned as follows:

| | |
|-----------------|--------------|
| (1) Instruction | \$19,069,151 |
|-----------------|--------------|

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, four hundred thirteen thousand, eight hundred seventy-five dollars (\$1,413,875) is appropriated from the City School Fund to be apportioned as follows:

| | |
|--|-------------|
| (1) Administration/Attendance & Health Service | \$1,413,875 |
|--|-------------|

Paragraph Three - Public Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT OF EDUCATION, the sum of six hundred ninety-eight thousand, six hundred seventy-three dollars (\$698,673) is appropriated from the City School Fund to be apportioned as follows:

| | |
|----------------------------------|-----------|
| (1) Pupil Transportation Service | \$698,673 |
|----------------------------------|-----------|

Paragraph Four - Operations & Maintenance (40640)

264
249

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF EDUCATION, the sum of two million, four hundred sixty-six thousand, five hundred sixty-one dollars (\$2,466,561) is appropriated from the City School Fund to be apportioned as follows:

| | | |
|-----|----------------------------|-------------|
| (1) | Operations and Maintenance | \$2,466,561 |
|-----|----------------------------|-------------|

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 sixty-eight thousand, five hundred forty-three dollars (\$1,468,543) is appropriated from the City School Fund to be apportioned as follows:

| | | |
|-----|--|-------------|
| (1) | School Food Services & Other Non Instructional Operations | \$1,468,543 |
|-----|--|-------------|

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, one hundred eighty-one thousand, three hundred forty-nine dollars (\$3,181,349) is appropriated from the City School Fund to be apportioned as follows:

| | | |
|-----|---------------------------|-------------|
| (1) | Serial Bonds and Interest | \$3,181,349 |
|-----|---------------------------|-------------|

S U M M A R Y

Expenditures and Revenues

| | |
|--|---------------------|
| Total School Fund Appropriations for Fiscal Year Ending June 30, 1998 | <u>\$28,300,152</u> |
|--|---------------------|

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

| | |
|---|---------------------|
| Receipts from State School Funds | \$8,681,118 |
| Revenue from Federal Funds | 1,315,293 |
| Receipts from other Funds | 1,030,809 |
| Transfers Receipts from City's General Fund | <u>17,272,932</u> |
| Total School Fund Revenue for the Fiscal Year Ending June 30, 1998 | <u>\$28,300,152</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, 1998:

Paragraph One - Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of six hundred thousand dollars (\$600,000) appropriated as follows:

| | |
|------------------------------|---------|
| 48612 Cantrell Avenue Bridge | 600,000 |
|------------------------------|---------|

S U M M A R Y

Expenditures and Revenues

| | |
|--|------------------|
| Total General Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 1998 | <u>\$600,000</u> |
|--|------------------|

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

| | |
|----------------------------------|-----------|
| 34210 Transfer from General Fund | \$600,000 |
|----------------------------------|-----------|

| | |
|---|------------------|
| Total General Capital Projects Fund Revenue For the fiscal Year Ending June 30, 1998 | <u>\$600,000</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, 1998:

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one million, two hundred sixty-five thousand dollars (\$1,265,000) is appropriated as follows:

| | |
|---|-----------|
| 48607 East Side Road Improvements | \$ 40,000 |
| 48621 Western Raw Water Line | 100,000 |
| 48622 Garbers Church/Silver Lake Pump Station | 30,000 |
| 48627 Washington Street Tank Repair | 360,000 |
| 48628 WTP Expansion Project | 565,000 |
| 48629 Groundwater Development Project | 120,000 |
| 48630 Central Stores Building Project | 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, 1998 \$1,265,000

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

34220 Transfer from Water Fund \$1,265,000

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, 1998:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of nine hundred ninety-one thousand, nine hundred dollars (\$991,900) is appropriated as follows:

| | |
|--|----------|
| 48607 East Side Road Improvements | \$15,000 |
| 48630 Central Stores Building Project | 50,000 |
| 48641 Blacks Run Interceptor | 541,700 |
| 48645 PHR&A I&I | 195,000 |
| 48642 Park View Sewer Improvement | 25,000 |
| 48646 VDOT West Market Street Construction | 115,200 |
| 48647 HRRSA WVPT Expansion | 50,000 |

S U M M A R Y

Expenditures and Revenues

Total Sewer Capital Projects Fund Appropriation
for the Fiscal Year Ended June 30, 1998 \$ 991,900

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

34230 Transfer from Sewer Fund

\$ 991,900

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, 1998:

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of twenty thousand dollars (\$20,000) is appropriated as follows:

48681 Landfill closure and monitoring

\$ 20,000

S U M M A R Y

Expenditure and Revenue

Total Sanitation Capital Projects Fund appropriation
for the Fiscal Year Ended June 30, 1998

\$ 20,000

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

34270 Transfer from Sanitation Fund

\$ 20,000

SECTION VII - WATER FUND (2011)

That the following sums of money be and the same hereby are appropriated for water purposes herein specified for the fiscal year ending June 30, 1998:

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-four thousand, seven hundred thirty-seven dollars (\$194,737) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services

\$104,588

(2) Other Operating Expenses

90,149

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 four hundred two thousand, eight hundred ninety dollars (\$402,890) is appropriated from the Water Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$53,837 |
| (2) | Other Operating Expenses | 349,053 |

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 six hundred nine thousand, six hundred five dollars (\$609,605) is appropriated from the Water Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$357,321 |
| (2) | Other Operating Expenses | 252,284 |

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 thirty-four thousand, one hundred seventy dollars (\$134,170) is appropriated from the Water Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$78,890 |
| (2) | Other Operating Expenses | 55,280 |

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of eight hundred one thousand, eight hundred fifty-five dollars (\$801,855) is appropriated from the Water Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$ 8,907 |
| (2) | Depreciation | 656,208 |
| (3) | Taxes, etc. | 136,740 |

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 seventy thousand, two hundred forty-three dollars (\$570,243) is appropriated from the Water Fund to be apportioned as follows:

- | | | |
|-----|-------------------|-----------|
| (1) | Personal Services | \$331,331 |
|-----|-------------------|-----------|

(2) Other Operating Expenses 238,912

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 thirty-nine thousand dollars (\$339,000) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlays \$339,000

Paragraph Eight - Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of one million, six hundred twelve thousand, eight hundred thirty-two dollars (\$1,612,832) is appropriated from the Water Fund to be apportioned as follows:

| | | |
|-----|--|-----------|
| (1) | General Fund-Share of Accounting, Collecting & Data Processing | \$294,144 |
| (2) | Central Garage Fund | 31,752 |
| (3) | Central Stores Fund | 21,936 |
| (4) | Water Capital Projects Fund | 1,265,000 |

S U M M A R Y

Expenditures and Revenues

Total Water Fund Appropriations for
the Fiscal Year Ending June 30, 1998 \$4,665,332

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

| | |
|--|----------------|
| Amount from Fund Balance | \$221,903 |
| Permits, Privilege Fees and Regulatory Licenses | \$105,000 |
| Revenue from use of Money & Property | 141,221 |
| Charges for Services | 3,434,000 |
| Recovered Costs | 6,000 |
| Miscellaneous Revenues | 1,000 |
| Transfers of depreciation | 656,208 |
| Non-Revenue Receipts | <u>100,000</u> |

Total Water Fund Revenues
for the Fiscal Year Ending June 30, 1998 \$4,665,332

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, 1998.

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 seventy-eight thousand, seven hundred seven dollars (\$178,707) is appropriated from the Sewer Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$93,032 |
| (2) | Other Operating Expenses | 85,675 |

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-eight thousand dollars (\$1,028,000) is appropriated from the Sewer Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-------------|
| (1) | Other Operating Expenses | \$1,028,000 |
|-----|--------------------------|-------------|

Paragraph Three - Collection and Transmission (432061)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of five hundred sixty-four thousand, four hundred thirty-one dollars (\$564,431) is appropriated from the Sewer Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$340,086 |
| (2) | Other Operating Expenses | 224,345 |

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of six hundred fifty-two thousand, six hundred eight dollars (\$652,608) is appropriated from the Sewer Fund to be apportioned as follows:

| | | |
|-----|--------------------------|---------|
| (1) | Other Operating Expenses | \$3,000 |
| (2) | Depreciation | 538,224 |
| (3) | Taxes, etc. | 111,384 |

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 forty-three thousand, ninety-one dollars (\$143,091) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$70,942 |
| (2) | Other Operating Expenses | 72,149 |

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of Pumping and Monitoring of THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of forty-eight thousand, five hundred twenty-four dollars (\$48,524) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|-------------------|----------|
| (1) | Personal Services | \$26,651 |
| (2) | Other Operating | 21,873 |

Paragraph Seven - 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 twenty-seven thousand dollars (\$227,000) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|-----------------|-----------|
| (1) | Capital Outlays | \$227,000 |
|-----|-----------------|-----------|

Paragraph Eight - 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-seven thousand dollars (\$1,067,000) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|------------------------------|-------------|
| (1) | Serial Bonds, Interest, etc. | \$1,067,000 |
|-----|------------------------------|-------------|

Paragraph Nine - 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, three hundred twenty-nine thousand, nine hundred sixteen dollars (\$1,329,916) is appropriated from the Sewer Fund to be apportioned as follows:

- | | |
|-----|--|
| (1) | General Fund - Share of Accounting, Collecting, & |
|-----|--|

272
257

| | | |
|-----|-----------------------------|-----------|
| | Data Processing Costs | \$284,340 |
| (2) | Sewer Capital Projects Fund | 991,900 |
| (3) | Central Garage Fund | 31,740 |
| (4) | Central Stores Fund | 21,936 |

S U M M A R Y

Expenditures and Revenues

| | |
|---|--------------------|
| Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1998 | <u>\$5,239,277</u> |
|---|--------------------|

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

| | |
|--|----------------|
| Amount from Fund Balance | \$ 17,954 |
| Permits, Privilege Fees and Regulatory Licenses | 60,000 |
| Revenue from use of Money & Property | 120,099 |
| Charges for Services | 4,460,000 |
| Recovered Costs | 43,000 |
| Transfers of depreciation | <u>538,224</u> |

| | |
|---|--------------------|
| Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 1998 | <u>\$5,239,277</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, 1998:

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, three hundred thirty-eight thousand, seven hundred fifty-six dollars (\$1,338,756) is appropriated from the Public Transportation Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$676,746 |
| (2) | Other Operating Expenses | 587,010 |
| (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 nine hundred seventy-two thousand, four hundred forty-six dollars (\$972,446) is appropriated from the Public Transportation Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$495,200 |
| (2) | Other Operating Expenses | 417,246 |
| (3) | Depreciation | 60,000 |

Paragraph Three - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of sixty-two thousand, two hundred eighty-six dollars (\$62,286) is appropriated from the Public Transportation Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$10,000 |
| (2) | Other Operating Expenses | 2,286 |
| (3) | Depreciation | 50,000 |

Paragraph Four - Capital Outlay (872081)

For the capital outlays in the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of four hundred thirty-two thousand, three hundred eighty-seven dollars (\$432,387) is appropriated from the Public Transportation Fund to be apportioned as follows:

| | | |
|-----|-----------------|-----------|
| (1) | Capital Outlays | \$432,387 |
|-----|-----------------|-----------|

S U M M A R Y

Expenditures and Revenues

| | |
|--|--------------------|
| Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1998 | <u>\$2,805,875</u> |
|--|--------------------|

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

| | |
|--|----------------|
| Charges for Services | \$1,289,839 |
| Recovered Costs | 4,000 |
| Categorical Aid-Commonwealth | 257,102 |
| Categorical Aid-Federal | 623,250 |
| Miscellaneous Revenues | 1,000 |
| Transfers from General Fund and depreciation | <u>630,684</u> |

Total Public Transportation Fund

Revenues for the Fiscal
Year ending June 30, 1998

\$2,805,875

SECTION X - SANITATION FUND

That the following sums of money be and the same hereby are appropriated for Sanitation purposes herein specified for the fiscal year ending June 30, 1998:

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-nine thousand, four hundred ninety-one dollars (\$169,491) is appropriated from the Sanitation Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$ 26,683 |
| (2) | Other Operating Expenses | 142,808 |

Paragraph Two - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of nine hundred ninety-nine thousand, six hundred thirty-nine dollars (\$999,639) is appropriated from the Sanitation Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$542,812 |
| (2) | Other Operating Expenses | 456,827 |

Paragraph Three - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred fifty-eight thousand, two hundred sixty-seven dollars (\$458,267) is appropriated from the Sanitation Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$261,432 |
| (2) | Other Operating Expenses | 196,835 |

Paragraph Four - Sanitary Landfill (932042)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of five hundred thirty-one thousand dollars (\$531,000) is appropriated from the Sanitation Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Other Operating Expenses | \$531,000 |
|-----|--------------------------|-----------|

Paragraph Five - Miscellaneous (942042)

274
259

For depreciation, bonds issue cost and the payment of taxes, the sum of three hundred forty-six thousand, eight hundred sixty dollars (\$346,860) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|------------------------------|-----------|
| (1) Depreciation | \$298,872 |
| (2) Bond Issue cost | 21,444 |
| (3) Land and steam agreement | 26,544 |

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, seven hundred nine dollars (\$404,709) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|------------------------------|-----------|
| (1) Personal Services | \$245,132 |
| (2) Other Operating Expenses | 159,577 |

Paragraph Seven - Capital Outlay (972043)

For the capital outlays of the SANITATION FUND, a division of the Sanitation Fund, the sum of forty-two thousand dollars (\$42,000) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|---------------------|-----------|
| (1) Capital Outlays | \$ 42,000 |
|---------------------|-----------|

Paragraph Eight - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the SANITATION FUND, the sum of two million, nineteen thousand, two hundred eighty-eight dollars (\$2,019,288) is appropriated from the Sanitation Fund to be apportioned as follows:

| | |
|-------------------------------|-------------|
| (1) Serial Bonds and Interest | \$2,019,288 |
|-------------------------------|-------------|

Paragraph Nine - Transfers (990242)

For transfers to Capital Projects for landfill closure and monitoring costs of the Sanitation Fund. The sum of twenty thousand dollars (\$20,000) is appropriated from the Sanitation Fund to be apportioned as follows.

| | |
|--|-----------|
| (1) Transfers to Sanitation Capital Projects Fund | \$ 20,000 |
|--|-----------|

S U M A R Y

Expenditures and Revenues

Total Sanitation Fund appropriations
for the Fiscal Year Ending June 30, 1998 \$4,991,254

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

| | |
|---|------------------|
| Amount from Fund Balance | \$ 51,858 |
| Revenue from use of Money & Property | 150,000 |
| Charges for Services | 1,639,000 |
| Recovered Costs | 1,340,908 |
| Miscellaneous Revenues | 45,000 |
| Transfers from General Fund, depreciation, etc. | <u>1,764,488</u> |

Total Sanitation Fund Revenues
for the Fiscal Year Ending June 30, 1998 \$4,991,254

SECTION XI - PARKING AUTHORITY (2015)

**That the following sums of money be and the same hereby are appropriated for
Parking authority purposes herein specified for the fiscal year ending June 30, 1998:**

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 one hundred ninety-seven thousand, three hundred ninety-five dollars (\$197,395) is appropriated from the Parking Authority Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$73,423 |
| (2) | Other Operating Expenses | 95,976 |
| (3) | Transfers | 27,996 |

S U M M A R Y

Expenditures and Revenues

Total Parking Authority Fund Appropriations
for the Fiscal Year Ending June 30, 1998 \$197,395

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

| | |
|--|--------------|
| Fines and Forfeiture | \$70,707 |
| Revenue from use of money and property | 20,500 |
| Charges for Services | 101,700 |
| Transfers from General Fund | <u>4,488</u> |

Total Parking Authority Fund Revenues
for the Fiscal Year Ending June 30, 1998

\$197,395

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, 1998:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of four hundred fifty-eight thousand, one hundred thirty-eight dollars (\$458,138) is appropriated from the Central Garage Fund to be apportioned as follows:

| | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$322,656 |
| (2) | Other Operating Expenses | 135,482 |

S U M M A R Y

Expenditures and Revenues

Total Central Garage Fund appropriations
for the Fiscal Year Ending June 30, 1998

\$458,138

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

| | |
|----------------------|---------------|
| Charges for Services | \$367,430 |
| Transfers | <u>90,708</u> |

Total Central Garage Fund Revenue
for the Fiscal Year Ending June 30, 1998

\$458,138

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, 1998:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of seventy-three thousand one hundred four dollars (\$73,104) is appropriated from the Central Stores Fund to be apportioned as follows:

| | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$43,775 |
| (2) | Other Operating Expenses | 29,329 |

S U M M A R Y

Expenditures and Revenues

| | |
|--|-----------------|
| Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1998 | <u>\$73,104</u> |
|--|-----------------|

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

| | |
|----------------------------|-----------------|
| Transfers from other Funds | <u>\$73,104</u> |
|----------------------------|-----------------|

| | |
|---|-----------------|
| Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 1998 | <u>\$73,104</u> |
|---|-----------------|

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XII **IN THIS ORDINANCE** **FOR THE FISCAL YEAR ENDING JUNE 30, 1998** **RECAPITULATION**

| | | |
|--------------|----------------------------------|---------------|
| Section I | General Fund | \$40,479,629 |
| Section II | School Fund | 28,300,152 |
| Section III | General Capital Projects Fund | 600,000 |
| Section IV | Water Capital Projects Fund | 1,265,000 |
| Section V | Sewer Capital Projects Fund | 991,900 |
| Section VI | Sanitation Capital Projects Fund | 20,000 |
| Section VII | Water Fund | 4,665,332 |
| Section VIII | Sewer Fund | 5,239,277 |
| Section IX | Public Transportation Fund | 2,805,875 |
| Section X | Sanitation Fund | 4,991,254 |
| Section XI | Parking Authority Fund | 197,395 |
| Section XII | Central Garage Fund | 458,138 |
| Section XIII | Central Stores Fund | <u>73,104</u> |

| | |
|----------------------|---------------------|
| TOTAL APPROPRIATIONS | <u>\$90,087,056</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, 1997 and one half on or before June 5, 1998, 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 1997; 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, 1997 and one half on or before June 5, 1998. 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.)

Per ton tipping fees for the landfill and resource recovery facility will increase on July 1, 1997 and January 1, 1998 by the same dollar amounts as the Rockingham County increases. The minimum charge at both facilities for any load under 500 pounds will be \$10.00. An additional per load fee of \$10.00 will be charged for any load requiring special handling.

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, 1997, and ending June 30, 1998, 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, 1997.

Given under my hand this _____ day of _____, 1997.

MAYOR

CLERK

Council Member Rogers offered a motion to approve the 1997-98 Appropriation Ordinance for a second reading. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

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

Buckle Up America! Week

WHEREAS, May 19-26, 1997, has been declared *Buckle Up America! Week*,

WHEREAS, motor vehicle crashes are the leading cause of death in the United States for every age from 5 to 27 years old (based on 1992 data);

WHEREAS, the lives of 9,797 front seat occupants over four years old were saved by safety belts in 1995;

WHEREAS, lap/shoulder belts, when used, reduce the risk of fatal injury to front-seat passenger car occupants by 45 percent and the risk of moderate-to-critical injury by 50 percent, and in light trucks these risks are reduced even more, by 60 and 65 percent;

WHEREAS, alcohol-related fatalities peak during the summer driving season;

WHEREAS, one of the best defenses against the drunk or drugged driver is the use of safety belts combined with air bags or child safety seats;

WHEREAS, those drivers who use their safety belts only on long trips or highway driving should know that three out of four crashes occur within 25 miles of home;

WHEREAS, 49 states, the District of Columbia, Puerto Rico and the U.S. Territories have enacted safety belt use laws, and all 50 states, the District of Columbia, Puerto Rico, and the Territories have enacted laws requiring the use of child passenger restraint systems;

WHEREAS, through continued public awareness, education, and enforcement of safety belt laws to increase usage, death and serious injury can be significantly reduced;

WHEREAS, *Buckle Up America! Week* provides communities and organizations an opportunity to join together to work toward increasing the correct use of safety belts and child safety seats by focusing public attention on the life-saving benefits of these systems, automatic belt systems, and air bags.

WHEREAS, Higher seat belt use rates will also help air bag-equipped vehicles to do a better job of protecting drivers and front seat occupants in high severity crashes, and all properly belted drivers, regardless of age and size, are safer with an air bag than without.

WHEREAS, The safety and well being of the citizens of Harrisonburg is a top priority of the City Council.

Now, therefore, we the City Council of the City of Harrisonburg in recognition of this national life-saving opportunity, join with others across the country to proclaim our support for

Buckle Up America! Week

and encourage the community to observe the week with appropriate programs, ceremonies, and activities to increase the use of safety belts and safety seats with the goal of increasing state use rates; to support the efforts of enforcement agencies to increase compliance with state occupant protection laws; and to encourage part-time users to become full-time users.

Date

Rodney L. Eagle, Mayor

Attest:

City Clerk

City Manager Stewart announced that the Transportation Safety Commission has recommended that Council adopt this proclamation recognizing May 19-26 as Buckle Up America Week in Harrisonburg. Council Member Green 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 the following resolution for Council's consideration for approval:

**RESOLUTION IN SUPPORT OF THE PARTNERS
IN PREVENTION INITIATIVE**

WHEREAS the Federal Government has allocated \$100 million dollars in each of federal fiscal years 1999 through 2002 to be divided among the five states that have most reduced out-of-wedlock births in the previous two years without an increase in the abortion rate;

WHEREAS, The Commonwealth of Virginia has become the first state in the nation to announce its candidacy for one of these federal awards by supplying incentives to local

governments, service agencies, religious institutions, nonprofit organizations and citizens to develop local solutions to the out-of-wedlock birth problem;

WHEREAS, the Commonwealth of Virginia will provide technical and other forms of startup assistance to any Virginia localities that officially partner with the state in competition for the federal award, and the state proposes to distribute any federal award Virginia receives directly to its Partners in Prevention;

WHEREAS, a locality becomes a Partner in Prevention by adopting a formal resolution of participation in the initiative and by submitting a plan, reflecting whole community input to reduce out-of wedlock births locally;

WHEREAS, the City of Harrisonburg wishes to join other localities in the Commonwealth in this important community objective;

THEREFORE, BE IT RESOLVED that the City of Harrisonburg is authorized by this body to become a Partner in Prevention with the Commonwealth of Virginia.

Date

Rodney L. Eagle, Mayor

Attest:

City Clerk

✓
Dr. Doug Larsen, Director of the Central Shenandoah Health District, thanked the Council for their continued financial support through the local health department. He explained that the Federal Government, in connection with welfare reform, will be offering \$100,000 to help reduce the out-of-wedlock birth's (OOW). Currently 30% of all births in Virginia are out-of-wedlock. The City of Richmond has the highest OOW in Virginia at 63% with Highland County having the lowest at 13%. Harrisonburg is at 31% and Rockingham County at 21%. He reviewed the consequences for out-of-wedlock births for the mother and the child. Noting that the Federal Government will give five states who show the largest decrease in out-of-wedlock births \$20,000,000 each in 1998, the State of Virginia wants to be one of those five states to receive the funding. The state wants all of this money to be sent to the local governments who participated in "Partners in Prevention". The requirements include a resolution by City Council and a Town Meeting. 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.

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

RESOLUTION

WHEREAS, on June 1, 1997, Americans from all backgrounds will come together in their communities all across the country to take a Stand For Healthy Children and renew their community's commitment to improving the quality of our children's lives; and

WHEREAS, on June 1, Stand For Healthy Children Day, and beyond, citizens, families, religious congregations, schools, community-based organizations, businesses, and political and cultural groups will join together as a local and national community to recognize the health needs of our children and rededicate ourselves to addressing them; and

WHEREAS, caring for the health of our children must be top priority for our families, our communities and our nation; 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 proclaim June 1, 1997 as

STAND FOR HEALTHY CHILDREN DAY

in Harrisonburg and urge all citizens to support this day by taking part in local Stand For Children activities and by dedicating ourselves to the task of improving the health and quality of life for all children from this day forward.

This the 13th day of May, 1997.

Rodney L. Eagle, Mayor

Attest:

City Clerk

✓ City Manager Stewart said that this resolution will recognize June 1 as a day for supporting healthy children in our community and around the country. Vice-Mayor Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Public Works Director Baker presented a report on recycling dry cell batteries. He explained that due to the high cost of recycling and/or disposing of dry cell and lead acid batteries, the City plans to charge commercial accounts for battery collection and processing costs. Meki Shifflett, Sanitation Superintendent, said that the City's recycling program was designed for residential customers. She reviewed the number of pounds of dry cell batteries collected. The City is in the process of sending a letter to every commercial customer explaining that dry cell batteries are not

acceptable in the landfill or the steam plant and suggesting that commercial customers contact the manufacturer about how to dispose of the batteries. The City will dispose of the batteries with an additional charge. However, if the City continues to receive this material, the customer will be charged. The fee is based on the City's cost of disposing the batteries, shipping and special customers. Ms. Shifflett explained that residents will be encouraged to recycle dry cell batteries by putting them in plastic bags before putting them into the green recycling bins. However, the steam plant can sort batteries out of the regular recycling material.

✓ Taylor Howell, Manager of the local Virginia Employment Commission, presented the 1997 Plan of Service of Virginia Employment Commission for endorsement. He explained that the plan has been reviewed by the Commissioner and Field Staff of the Agency and The Private Industry Council. He reviewed the general services available to the public and noted that consolidated operations had occurred in each local area under one manager. Besides the tremendous savings, it will also provide cross training for many employees. The VEC will actively participate in local planning and development efforts related to a One-Stop delivery system. This will be an electronic technology linkage providing many services. Council Member Rogers offered a motion to endorse the 1997 Service Plan as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer budgeted funds from other expenditure line items to dealing with shortfalls for court appointed attorneys, coroner and dues and membership. The funds will be used to eliminate the deficits and does not involve any new money. Vice-Mayor Lantz offered a motion to approve the transfer of these funds.

\$7,000 chge. to: 1000-121711-410510 Annual Leave - Separation
1,500 chge. to: 1000-121711-410511 Sick Leave - Separation

\$6,237 approp. to: 1000-330231-43151 Court appointed attorneys
1,000 approp. to: 1000-350331-43110 Coroner
1,263 approp. to: 1000-910711-45810 Dues and Membership

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

✓ Police Chief Harper presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 16-9-2 of the City Code, which will make it unlawful for any person to file a false report. Council Member Rogers offered a motion to approve the changes in this ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

✓ Police Chief Harper presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-9 of the City Code, which identifies vehicles in a funeral procession and their right-of-way. Council Member Rogers offered a motion to approve the changes in this ordinance for a first reading. 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 transfer of funds and a supplemental appropriation to transfer funds from Central Stores fund to the Central Garage fund. No additional local funds are required. Council Member Green offered a motion to approve this request for a first reading, and that:

\$160,000 chge. to: 2111-31695 Sale of service to departments
\$160,000 approp. to: 2111-34250 Transfer from Central Stores fund

\$160,000 chge. to: 2112-31010 Amount from fund balance
\$160,000 approp. to: 2112-792141-49250 To Central Garage fund

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

Council Member Rogers suggested that the City Council and the School Board hold a work session in the near future. He mentioned that the PTA/PTO has scheduled a public forum on May 28th, but City Council cannot attend because of a prior commitment. He reminded everyone that City Council was willing to respond to the group's questions. However, some very negative statements have been made during the last several Council meeting.

Robert Lester representing a group of concerned citizens in the Harmony Heights Subdivision read the following letter concerning an "eye sore" in the neighborhood.

We, the undersigned, endorse the following statement and respectfully request the authorities of the City of Harrisonburg to take appropriate action to alleviate the unsightly condition so described: Large quantities of rock excavated from construction of homes on Poplar Circle, Harmony Heights were disposed on the vacant lot, No. 138 Poplar Circle, more than 18 months ago. Such an accumulation of construction debris affects the otherwise neat and orderly appearance of Harmony Heights homes surrounding this dumping ground; namely Park Road, Harmony Drive, Buttonwood Court and Poplar Circle. Besides the rock pile being an "eyesore", weeds and wind driven trash accumulates and adds to the unsightly condition. Mice and rats have invaded the property. It is conceivable that they could adversely affect property values. It would appear that City ordinance regarding abandoned building debris would also apply to excavation debris.

We would appreciate appropriate action be taken to alleviate this unsightly condition with our City.

He explained that he was representing a group of concerned citizens from the area as evidenced by a petition of 28 signatures.

The words of the petition don't fully convey this "eye sore". The executed rock pile extends from front to back of the lot, approximately 2'-4' high and 20' wide topped off by weeds. Weeds also cover the remaining area of the lot not covered by rock which is a clear violation of the City Code and from which I requested that Capt. Wilfong of the Police Department take appropriate action.

As to the pile of rock, the officials of Planning and Community Development Department do not believe the City Codes are specific enough to require removal of this unsightly rock debris. However, it is our belief that the intent of City Code Section 6-2-5 and 16-6-58(b) was to prevent unsightly conditions. For example, Section 6-2-5 states (in part) "It shall be unlawful for any

person to throw, place, deposit or allow to accumulate any matter, substance, or thing calculated rendering private premises unclean, unsightly, or unsafe to any person."

He said that Capt. Wilfong had taken some actions on the violation of the weeds on the property. However, he requested that City Council investigate the intent of the City Code, especially if these complaints were violations of the code.

Bonita Sonifrank presented a petition with approximately 1,233 signatures to City Council. She encouraged City Council, the School Board, and representatives from the PTA/PTO to have a work session concerning the present funding of the City schools.

Barry Hensley a resident of Garber Church Road presented a petition with approximately 400 signatures to City Council. The group requested that City Council not place soccer and lighted athletic fields at the Lineweaver-Strate property adjacent to the established Hillandale Park. Instead, the group requested that Council consider a golf course or permanent nature park on the property. He presented a letter from Margaret Strate Wiseman who sold the Strate property to the City and requested that it be read.

Mayor Eagle read the following letter:

To members of Harrisonburg City Council:

As adjoining property owner, I am writing pertaining to future use of the land known as Lineweaver/Strate property. In an age of ever increasing commercialization and industrialization current and future citizens of our growing community need such areas of green space. I am hopeful that the land in question could be designated for purposes that would be refreshing and tranquil and maintain the quiet nature of the area. The use of the property for such purposes as nature trails, wildlife sanctuary, picnicking, a golf course, or daytime activities which would not involve major traffic, noise, or bright lights would benefit not only adjacent property owners but the entire surrounding community.

At 8:47 p.m., Council Member Green offered that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees, Private Industry Council and Social Services Advisory Board and the evaluation of a City department, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract and agreement, 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 estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:27 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 not to buy the 38± acres known as the Callender property based on the engineering and feasibility study that determined that only five (5) soccer fields could be built, several of those fields could be subject to frequent flooding that would impact play schedules and maintenance and restoration costs and that approximately \$470,000 of extra costs can be expected as a direct result of floodplain, wetland and soil conditions at the site. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Daniel E. Stark, 1211 Windsor Road, be appointed to another membership term on the Private Industry Council to expire on June 30, 2002. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Green offered a motion that David Wiens, 1520 College Avenue, be appointed to a second term on the Social Services Advisory Board to expire on July 1, 2001. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

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

| | |
|---|--|
|  _____ CLERK |  _____ MAYOR |
|---|--|

REGULAR MEETING

MAY 27, 1997

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.

Vice-Mayor Lantz 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 16-9-2, 13-1-9 and 13-1-3 of the Harrisonburg City Code. The motion also included the second reading of transferring funds to meet a revenue deficit for the Central Garage. 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 from Tim Lacey for a Final Subdivision Plat approval of Park Lawn Subdivision, Section 6. She explained that this is a request to subdivide approximately six acres into 21 single family lots. All required easements and bonds have been submitted, and Planning Commission has recommended approval. Council Member Green 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.

Public Utilities Director Collins presented recommended revisions to the City's Design and Construction Standards Manual. He explained that periodically the department makes recommendations on certain products to add to the City's Design and Construction Standards Manual. These products which meet department requirements include valves, tapping valves, tapping sleeves, straight couplings, manhole frames, manhole covers, foster adapters, and a revision to one construction detail. Council Member Rogers offered a motion to approve these recommended products as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart introduced a request to amend Section 7-4-9 and repeal of Section 7-4-26 of the Harrisonburg City Code pertaining to utility billing adjustments. Public Utilities Director Collins explained that the City's Water and Sewer Department wanted to pursue a more customer friendly policy by minimizing the difference in allowable utility billing adjustments among incurred conditions. In addition, utility field personnel can be placed into a customer assistance role rather than an inspection and enforcement role. Public Utilities Director Collins reviewed the adjustment methods used for a customer's high consumption. He also reviewed the modifications used for drafting the policy goals and requested that City Attorney Thumma draft the language in amending this ordinance. Mr. Collins also explained that a customer who has a cabin in the Rawley Springs

area used 730,000 gallons of water within two months. The meter was checked for accuracy by a service technician. According to the City Code, City Council must authorize any adjustment to the customer's water and sewer bill. Mr. Collins recommended that Mr. Charles Mathias be only charged for 50,000 gallons of water. Council Member Green offered a motion to amend Section 7-4-9 and repeal Section 7-4-26 of the City Code for a first reading as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council. Following further discussion and comments, Council Member Rogers offered a motion to adjust the account of Charles Mathias. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from the Highway & Street Maintenance Budget to Capital Projects Budget. These funds will be used to complete payment of the Gay Street Bridge project. Council Member Rogers offered a motion to approve the transfer of these funds.

\$37,000 chge. to: 1000-410241-48121 Furniture & Fixtures
 \$37,000 approp. to: 1000-990111-49216 Transfer to Capital Project Fund

 \$37,000 chge. to: 1310-34210 Transfer from General Fund
 \$37,000 approp. to: 1310-910141-48604 Gay Street Bridge

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

City Manager Stewart presented a request for a supplemental appropriation to meet budget deficits created by additions to a JMU contract added after the budget was adopted. These additions increased labor and operating costs. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$50,000 chge. to: 2013-31654 JMU Transit Contract

 \$15,000 approp. to: 2013-812081-41010 Salaries & Wages Reg.
 \$35,000 approp. to: 2012-812081-44200 Central Garage

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

Jim Triplett representing the School Board presented a request to transfer school funds. Increased food costs for food service make this transfer necessary. Council Member Green offered a motion to approve the transfer of these funds.

\$15,000 chge. to: 1111-40630 Pupil Transportation

 \$15,000 approp. to: 1111-40650 School Food Service

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

Public Utilities Director Collins presented a Sanitary Sewer Backup action policy for endorsement. He explained that the Water & Sewer Department has developed a policy which would financially assist customers who experience sanitary sewer backups. The assistance is limited to cost sharing in the installation of prevention devices. He also reviewed the seven policy goals and read the following policy statement:

The City of Harrisonburg will participate financially at 50% in the construction cost of devices intended for the purpose to prevent public sanitary sewers from surcharging into serviced dwellings. Ownership of an insurance rider against a sanitary sewer backup is conditional to qualification for this assistance. Those City utility customers providing formal documentation of two (2) or more paid claims against their home owners insurance rider for an event related to surcharge of a public main and in the total amount which exceeds the policy deductible value shall qualify for this assistance. The responsibility of the customer shall include the selection, installation and future maintenance of the prevention device. The responsibility of the City shall be 1) to pre-approve proposed installations and associated cost estimates within general practices of the industry as limited for the purpose intended and 2) to provide payment upon installation, inspection by the City, and receipt of installation invoices. Consideration of damages from a backup shall be made pursuant to current policy of state law and the City's insurance carrier regardless of whether a prevention device is present.

Mr. Collins noted that most of the sewer backup problems occur during either a hurricane or flood. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve the policy statement as presented including the pre-approval of proposed installation, device, and associated cost estimates within general practices of the industry. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Human Resource Director McBride presented a request to modify Section 6.3 of the Personnel Policy Manual. It will enable employees who are approved for disability retirement by the Virginia Retirement System (VRS) to remain on the City's health insurance plan. These revisions also include a clarification of eligibility to participate in the City's Carve-Out option. He said the City's existing post-retirement health insurance policy does not include a provision to allow employees who are approved for VRS disability retirement to continue to be covered under the City's health insurance plan. The current policy only addresses employees approved for "service retirement." Under the proposed change, employees with 15 or more years of continuous service to the City who are approved for VRS disability retirement will be eligible to continue participation in the City's health insurance plan, including the City's contribution. Employees with less than 15 years of service who are approved for VRS disability retirement will be eligible to continue participating in the plan, but are required to pay both the employee and employer contribution. This change clarifies that the Carve-Out option is available for retired employees only. Vice-Mayor Lantz offered a motion to modify Section 6.3 of the Personnel Policy Manual. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart announced that a work session will be held with the School Board on July 29. Council Member Rogers suggested using a facilitator and holding the work session in the City. Following further discussion and comments, Council Member Rogers offered a motion to hold

a work session with the School Board on July 29. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council. After the vote, it was clarified that it did not include a facilitator.

✓ Public Utilities Director Collins announced that the Washington Street Water Tank will be painted and repaired by Superior Industrial Maintenance Company. He reviewed the paint colors being considered for the water tank. Vice-Mayor Lantz suggested that perhaps they should paint Blue Streaks of Harrisonburg on the water tank. City Council will discuss the wording at a later Council meeting.

✓ Vice-Mayor Lantz offered a motion to approve the following resolution recommending that the General Assembly approve the Roberta Webb Child Care Center for tax exempt status. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

RESOLUTION

WHEREAS, the Roberta Webb Child Care Center, Inc., a Virginia non-profit corporation (hereinafter referred to as "Corporation"), has requested the City Council of the City of Harrisonburg, Virginia to adopt a resolution supporting its request to the General Assembly to designate the property of the Corporation exempt from taxation pursuant to Article X, Section 6(a) of the Constitution of Virginia; and

WHEREAS, the City Council of the City of Harrisonburg held a public hearing concerning the request of the Corporation, pursuant to Section 30-19.04 of the Code of Virginia, 1950, as amended, on May 13, 1997; and

WHEREAS, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, the City Council has examined and considered all of the questions as set forth in said section;

NOW, THEREFORE, in compliance with Section 30-19.04 of the Code of Virginia, 1950, as amended, BE IT RESOLVED that the City Council, after examining and considering all of the questions as set forth in the above referenced section, supports the request of the Corporation and recommends to the General Assembly that the Corporations be exempted from taxation with a specific classification of charitable. That the assessed value of all property owned by the Corporation in the City of Harrisonburg for the year 1996 was \$10,000.00 and the taxes paid to the City for the year 1996 was \$160.00.

ADOPTED AND APPROVED this 27th day of May, 1997.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Manager Stewart stated that he had received a memo from the Rockingham County Administrator concerning the bids on the Lower Courts Facility. The total estimated cost to provide office space for the Lower Courts Facility is \$158,377.30. Council had approved proceeding with the request to provide office space for the Lower Courts Facility, but recommended that the cost should not exceed \$100,000. Following further discussion and comments, Council still recommended that the cost should not exceed \$100,000.

Council Member Byrd commented that the American Legion Dayton Post #27 should be recognized for their efforts to beautify the monument in Harrisonburg.

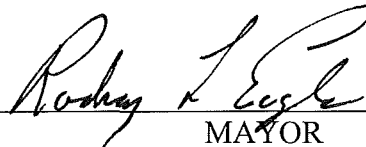
Council Member Rogers commented that Gary McBride, Director of Human Resource, should be congratulated for presenting the Awards and Recognition Program which recognizes employees for their dedication and faithful service to the City.

At 8:45 p.m., Vice-Mayor Lantz offered that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees and Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, 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 estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:57 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.

At 11:58 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

JUNE 10, 1997

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 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 the second reading of an ordinance amending and re-enacting Section 7-4-9 of the Harrisonburg City Code. The motion also included the second reading for a supplemental appropriation to meet budget deficits created by additions to a JMU contract after the budget was adopted. 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 by William B. Holtzman to rezone 1.053 acres located on Port Republic Road, between Hillside Avenue and the southbound ramp of Interstate 81, from R-1 to B-2 (conditional). She explained that the applicant intends to construct a gas station with a car wash and convenience store. The surrounding zoning to the north of the property is James Madison University's campus which is currently zoned R-3. The property to the south is a JMU parking lot which is zoned R-1. A general business district zoning classification containing several restaurants, hotels and convenience store-gas stations is to the east which is zoned B-2 and to the west is an R-1 single family residential neighborhood. The comprehensive plan recommends this site for low density residential use. These areas consist of single-family dwellings with a maximum density of 1-4 units per acre designed to maintain the character of neighborhoods and to provide areas of traditional home ownership. This application is the fifth rezoning request for this site. City Council denied four of the previous requests and one was withdrawn by the applicant. Mrs. Turner reviewed the proffered conditions submitted and revised by the applicant and his attorney. These proffers are that the rezoning requested for the parcel is B-2 conditional and that the following uses would be the only uses under taken on the parcel proposed to be rezoned. Number one is mercantile establishment which promotes the show, sale, and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets. Automobile service station designed for vehicular convenience or service, convenience store, and attached car wash on site or accessory buildings and uses customarily incidental to any of the above-listed uses. It also includes a proffer that none of the other uses permitted in the B-2 classification will consist of the parcel nor would any of the uses permitted by a Special Use permit be included in these permitted uses. The applicant has submitted a plan showing a layout of the development and has stated that they are willing to work with the City staff and traffic officials to decide the final location and make up of the site entrance onto Port

Republic Road. As such, they do not proffer the entrance as shown on the revised preliminary plan at this stage in the rezoning process. The revised preliminary plan is to supersede and replace the previously submitted preliminary plan. Mrs. Turner reviewed the exhibits submitted by the applicant which includes a revised preliminary plan, artist's rendering, a frontal elevation and preliminary floor plan. The applicant proffered the location of the building, canopy, pumps, designated landscaping, green area, setback and general layout of the paved areas. Although they are showing the parking on the site, they will develop the lot according to City Code standards. An artist's rendering of the building showing the exterior appearance of the building, canopy, pumps, and location, orientation of the building, canopy, and pumps on the site was reviewed. The applicant states that the rendering is merely conceptual in nature and is not meant to specifically proffer other specific design or use matters, including but not limited, signage, parking, lighting, specific content of designated green area. Clearly, they state that they will develop areas in conformity with City Code specification, but are not proffered as they may depict them on the rendering. With the front elevation/preliminary floor plan, they are proffering the exterior design, materials, appearance and dimensions of building, canopy, pump dimensions, configurations and clearance distances. The inside layout and design as shown on the preliminary floor plan previously submitted is not proffered as the interior layout; however, the canopy size and exterior dimensions and designs are proffered as submitted on said frontal elevation and preliminary floor plan. The building will be one story, consisting of a 50' x 70' retail area, a 18' x 30' attached car wash, and a 70' x 75' detached canopy over the fueling stations and the general appearance is described as modern colonial. The exterior walls are to be "handmade" brick with traditional detail elements such as brick quoins, watertable ledges, and indented brick pilasters. The applicant has also proffered that the northwest corner of the parcel at the intersection of Hillside Avenue and Port Republic Road will be designated as green area and the landscaping will be comparable with the JMU entrance on the opposite side of Port Republic Road. The applicant submitted a traffic study which was forwarded to VDOT for their comments. Basically, they do not advise an entrance onto Port Republic Road and they encourage moving the proposed Hillside entrance farther south to accommodate a right turn lane at the intersection. VDOT also predicts a 4% per year increase in traffic until the year 2000. Mrs. Turner said that although the property is not ideal for single-family homes, the applicant is requesting a rezoning to one of the most intensive commercial uses permitted in the City. Planning Commission recommended that the request be denied with a five to one vote with Mayor Eagle voting in favor of the request and Rudy Propst abstaining.

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 Tuesday, May 27, and Monday, June 2, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 10, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Rezoning:

1. **Request by William B. Holtzman, contract purchaser, to rezone 1.053 acres located on Port Republic Road, between Hillside Avenue and the southbound ramp of Interstate 81, from R-1 to B-2. The site is identified as lots 11-R-1, 11-R-2, and 11-R-12 on the City of Harrisonburg block maps. The Comprehensive Plan recommends the site for low density residential use.**

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.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Steve Weaver, attorney for Clark and Bradshaw, and representing Bill Holtzman and Holtzman Oil, introduced Mr. Holtzman, contract purchaser, and Tina Simmons who is a member of the firm of Wilbur Smith Associates from Richmond. Mr. Weaver explained that they knew there would be some concerns with the neighborhood close by and that there would still be some traffic concerns. This rezoning request has two things going for it that were not present in the numerous previous rezoning requests. Number one is that Port Republic Road has been completely rebuilt from South Main Street to the bridge at I-81 to handle traffic for the next couple of decades. Number two is that JMU has bought a lot of the land and installed a large multi-tier parking lot between this site and the neighborhood. Mr. Weaver noted that this lot is not a residential parcel. We proffered out everything that could be done by special use permit. We proffered 15 of the 18 permitted uses leaving in three, two of which we felt were totally unobjectionable, in the use of the recommended facility. We defined the scope of development and by doing this we proffered the exact design of the building to be built. This site is much lower than the rest of the neighborhood. By turning the canopy in and against the hillside, we try to eliminate any visual effects because it's down underneath the area. This provides a good curbside appearance from Port Republic Road in a facility that does not look like a convenience store/gas station. It also put the gas pumps on the side of Hillside to direct as much traffic conveniently as would be from the pumps onto Hillside Avenue because when they come out on Hillside Avenue, they come out to a lighted intersection. It will create minimal traffic off of the entrance onto Port Republic Road. The overall site plan was designed to maximize the green area and buffer the neighborhood. Mr. Weaver noted that the size of the building was limited, canopy size, gas pumps, facility size and that it will always be a single story facility with only one entrance onto Port Republic Road. He reviewed the streets in the neighborhood and noted that the nearest house was located 390 feet away. This parcel of land is really an island and is not associated with the neighborhood. Wilbur Smith Associates from Richmond was hired to conduct a traffic study. We had a series of memos that went between Jim Baker's office, our office, and Wilbur Smith Associates's office to determine the nature, size and the scope of the survey.

Tina Simmons stated that she was a civil engineer with Wilbur Smith Associates, Consulting Engineers and Planners. The firm was contracted to perform a traffic impact study of the proposed convenience market/service station and car wash. The purpose of this study is to evaluate the impact of the site in terms of projected traffic conditions on the existing and proposed roadway network. Wilbur Smith Associates conducted vehicle turning movement counts during the peak hours of a typical weekday (April 14, 1997) at the Port Republic Road, Hillside Avenue and Bluestone Drive intersection. It was determined that the traffic signal could handle the level of service with the addition of the development. The traffic study concluded that for the peak hours, the driver traveling through those intersection during that hour would average a 15.8 seconds delay in the morning and 23.8 seconds delay in the evening. The morning and evening peak hours are considered the two worst traffic conditions of the day. These two average levels of delay again projected to the year 2000 at full development equate to what's called a C level of service which based on criteria established by the federal government, state of Virginia, and most localities is considered a very acceptable level of service.

Steve Weaver commented that the issue of the Port Republic Road entrance will have to be solved if the rezoning is granted. He said that it was worthy to note that neither the local VDOT office nor the district office took any exception to any of the information that was made available. They did question whether or not the 3% or 50% of traffic was really right. But, in terms of acceptability of the intersection and lighting to handle the intersection, neither the City staff or VDOT has registered any objection to that information. Mr. Weaver presented a brief practical tour of the intersection. Going from the west and heading east, the site is on the right side of the road and we can turn into the site at the Hillside Avenue lighted interchange or at the entrance off of the site. There will be no oncoming traffic in our way and it should not be a problem. Hillside Avenue has an entrance and at the JMU campus, there is a traffic light. Since traffic coming from the east to the west will pass two or three convenience stores, they probably will not stop at this particular store. According to the consultants, there will be no adverse impact to the intersection. We have been in touch with JMU people from the very beginning on this project, and discovered that JMU conducted its own traffic impact study on their campus because some of their main roads were getting used extensively and showing signs of wear. The study showed no inherent inadequacy in the intersection. Mr. Weaver also noted that the parcel is surrounded by uses that are commercial. This lot should be for a commercial purpose and not a residential development. This parcel does not connect with the Purcell Park neighborhood. VDOT designed this parcel as a useable lot with an entrance accessible to Port Republic Road. If JMU acquired this parcel it will be removed from the tax roles, but the City will still have to provide services to it. We are asking for your approval of this request.

Bill Holtzman representing Holtzman Oil said that his company has other Chevron and Amoco convenience stores located in the City and if he is allowed to build this one, it will be a first class facility.

Judy Miller, a resident living at 1429 Valley Street, said that once again a proposal has been presented to focus on convenience and the interest of JMU and I-81 travelers. It is our understanding that at least 1,500 to 2,000 daily customers is needed to support such a facility. What about our safety? Port Republic Road suffers from extreme congestion already. A mom has to choose non peak hours to cross it now and a student has to dodge among the traffic to cross the highway. We don't need additional cut through traffic in the neighborhood. We don't need the additional potential accidents and hazards to pedestrians, bicycles and other vehicles along Port Republic Road. Our neighborhood has continually dealt with the ramifications of these changes to assure the protection

of our homes and the safety of our families. She suggested that perhaps JMU should purchase the property and make it part of the JMU complex. What we need is your assurance that good judgement will once again prevail. Just say 'no'. Thank you.

Eleanor Price, a resident living at 1310 Crawford Avenue, said that her property does face the lot. She said that she was concerned because all of the Greek row parking is located in Z lot. The student cross the highway in any kind of weather and having a convenient beer source will not help this situation. It is difficult to see the line of traffic on Port Republic Road from Hillandale Avenue. Because of the congested traffic and the many backups, the residences cannot get out of the neighborhood. The intersection gets blocked all times of the day, especially in the evenings from 4:00 - 5:00 p.m. Changing the lighting will make the line of traffic from I-81 longer, backups in the neighborhood, and even on Port Republic Road. She suggested that perhaps JMU should consider a visitors center at this location, and she encouraged Council to deny the rezoning request.

Jeff Landis, a resident living at 59 East Weaver Avenue, thanked Judy and Eleanor for their comments and asked members of the audience to stand in support for denying this request. A large group stood in support of denying this request.

Mary Otey, a resident living at 1350 Crawford Avenue, said that she walks to work every morning. She commented that she leaves her home at 6:30 a.m. and it is very easy to cross Port Republic Road at that time. But, in the afternoon at 3:30 p.m., she has to stand from 5-10 minutes to cross the street. The traffic has not decreased even though JMU is not in session at the present time. She also said that VDOT had to replace the original entrance that was on the lot.

Jean Foster Gearing, a resident living at 813 Oakhill Drive, said that although she lives in the Forest Hills section which is on the east side of I-81, some mornings in the winter it takes her ten minutes to get to the stoplight at the entrance to JMU. She noted that she could probably walk and get there faster in five minutes. The traffic and congestion at this interstate exchange is terrible and will only get worst if this type of business is located on the parcel. She said that since a traffic study was conducted in 1982, traffic has increase at least ten times. There being no others desiring to be heard, the public hearing was declared closed at 8:34 p.m., and the regular session reconvened. Council Member Rogers stated that after having the opportunity to review the site with Mr. Weaver, he was offering a motion to support Planning Commission's recommendation to deny this request. Council Member Byrd suggested further discussion was appropriate and said he was very familiar with the situation and has seen it for four or five times. He said that he has had very pleasant dealings with Mr. Holtzman and his company, but he did not feel comfortable with R-1 zoning of this property. He also said that he did not understand the total validity of out-of-town traffic experts telling us what most of us already know. Particularly when you have reason to wonder where their statistics are coming from. Also, however you define a "convenience store", it must be convenient to the people around it. He said that he could not see any justification for approval of this rezoning and that he supported Council Member Rogers. Vice-Mayor Lantz commented that this rezoning request is tough, because obviously at most interchanges there is a lot of commercial zoning. This particular land is buffered by JMU and he could understand the concerns of the surrounding residents. He suggested that perhaps JMU should purchase the land and build a 500 student dormitory or locate some offices on the lot. He also said that he was concerned about traffic problems. He agreed that it should not be R-1 zoning, but it needs some type of business with limited traffic. Today it might take 10 minutes to cross that street and maybe 10 years from now it might take 20 minutes. Council Member Green said that the presentation was good and that he agreed with Vice-Mayor Lantz. The City inherited this problem, but had very little choice in the matter. He noted that City Council had

requested a study from VDOT in September regarding suggestions to ease the situation on this street. The real problem is with the traffic on the east side of I-81 bridge. He said it really is a no win situation. Mayor Eagle commented that the City has spend a lot of money on Port Republic Road trying to improve the traffic conditions. Council Member Rogers offered a motion to deny this rezoning request. The motion was seconded by Council Member Byrd, and approved with a 4-1 vote with Mayor Eagle voting no.

Planning and Community Development Director Turner introduced a request by Erwin Michael to rezone 16.94 acres located on Stone Spring Road from R-1 Single Family Residential to R-2 (conditional). She explained that the property had been the subject of an earlier request to rezone it to R-3 Multiple-Dwelling Residential District from its current R-1 Single Family Residential. At that time Planning Commission recommended denial of the request because of the negative impact on transportation and schools. The applicant is now seeking approval of a conditional rezoning to R-2 with the following proffers: 1) The following uses permitted by right under Section 10-3-39, paragraph 1, and 10-3-33 of the Code of the City shall be the sole uses undertaken on the proposed re-zoned parcel: (1) Owner-occupied single-family dwelling, which may include rental space for occupancy by not more than two person, providing such rental space does not include new kitchen facilities. (2) Nonowner-occupied single-family dwellings, which may include rental of space for occupancy by not more than one person, providing such rental space does not include new kitchen facilities. (3) Home occupations, as defined. (7) Accessory building and uses clearly incidental to the above. This includes a proffer that none of the other uses in the R-2 zone shall be made of the parcel, nor shall any of the uses permitted by Special Use permit under Section 10-3-40 of the City Code be used in the rezoned parcel. They also proffered that all lots will have a minimum lot area of 10,000 square feet and a minimum frontage width of at least 60 feet. Also, they proffered that no more than 56 lots in the final plat of the subdivision and that a fifteen foot landscaped buffer would be established along lots bordering the HEC or VEPCO properties. The landscaping buffer shall be maintained by each of the residential property owners. This property is recommended for low density and medium density residential use in the Comprehensive Plan. Low density residential uses are characterized by single-family detached dwellings with a maximum density of 1 to 4 units per acre. Medium density ranging from 1 to 15 units per acre. The proposed rezoning with the proper 56 lots in the final plat would have a density of about 3.3 units per acre. This will give the applicant the flexibility of creating lots that are more narrow than the R-1 lot, but are not any different in total size. She said that Planning Commission has recommended approval of this rezoning request.

At 8:47 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, May 27, and Monday, June 2, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 10, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Rezoning:

2. **Request by Erwin Michael to rezone 16.94 acres from R-1, Single-Family Residential District to R-2 Residential District (conditional). The site is located on Stone Spring Road, approximately 1000 feet east of the intersection as parcel 93-B-5 on the City of Harrisonburg Block Maps. The Comprehensive Plan recommends the site for low and medium density residential use.**

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.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Dick Blackwell representing the applicant, Erwin Michael, said that this proposed rezoning maintains the same square footage of the lot. Because of the topography, this allows a better design and better use of the property by allowing narrow width lots, but the same total acreage on the lots. There being no others desiring to be heard, the public hearing was declared closed at 8:49 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 Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Turner introduced a request to consider proposed amendments to the City of Harrisonburg's Subdivision regulations. She said these amendments are really a house cleaning measure to streamline, simplify, process, and clarify. These amendments will link the subdivision ordinance to the Design and Construction Standards Manual. Also, the final plat process will become an administrative process. Planning Commissioners and City Council will no longer review final plats for approval. The final plats will no longer require the signature of the Planning Commission Chairman and the Mayor. The authority to sign off on final plats will rest with the Director of Planning and Community Development. Variances to the subdivision ordinance shall be reviewed for approval by the City Council after Planning Commission makes its recommendation on the same. Currently, variances to the subdivision ordinance are reviewed for approval or denial by the Planning Commission only. This will help make the process uniform and comparable to the variance request procedure for the Design and Construction Standards Manual. Other proposed changes are measures to bring the ordinance up-to-date.

At 8:52 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, May 27, and Monday, June 2, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 10, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendment:

1. **Amendments to Title 10, Chapter 2. Subdivision Regulations of the City Code. The proposed amendments will streamline the subdivision process and will link the regulations to the Design and Construction Standards Manual.**

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.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone to speak either for or against these amendments to the City's subdivision regulations.

Tim Lacey, stated that he had requested this change because after waiting for 30 days, he has to wait another one to two months to get a final plat signed by Planning Commission and City Council. This will help speed up the process. There being no others desiring to be heard, the public hearing was declared closed at 8:57 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request for a first reading as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for consideration an addendum to the Water and Sewer moratorium. He explained that in November, 1992, Council had enacted some amendments to the previous moratorium on water and sewer services to properties located outside the City. The amendments to the moratorium were very restrictive involving lots of record prior to November, 1992. There had to be an existing water and/or sewer main in front of the properties and basically only a residential tap could be made. Mr. Blackwell has requested that Council consider taking additional action to lesson the restriction on the moratorium involving property where the majority of the property is in the City. This addendum relates to proposed subdivisions on property of which at least 51% lies within the City of Harrisonburg but was severed by the City/County line in the 1983 annexation. Mr. Stewart strongly recommended that this item be referred to the City/County Liaison Committee before Council takes any action. Dick Blackwell explained that there are 23 undeveloped parcels of land of which more than 50% of the parcel lies within the City. The parcel which is in the County cannot be developed without water and sewer. He reviewed a study containing 23 parcels

of which the majority of the parcels are located in the City. He noted that approximately 14 parcels are zoned R-1, 1 parcel zoned R-2, 1 parcel zoned R-3, 2 parcels zoned B-2, and 5 parcels zoned M-1 in the City. He suggested that perhaps the City and County could conduct a study to determine how to provide water and sewer utilities to serve the entire parcel under certain conditions.

City Manager Stewart stated that due to the demolition of the Schewel's building, there are no longer facilities for hanging banners across Main Street. Several arrangements were made with the County on a temporary measure until a permanent solution could be made to either discontinue hanging banners or find another location. All of the commitment to hang banners have been completed. Following further discussion and comments, Vice-Mayor Lantz suggested that until another location could be found that the City was temporarily out of business in hanging banners.

City Manager Stewart presented for Council's consideration a resolution to distribute Regional Competitiveness Act funds to the Shenandoah Valley Partnership. The resolution establishes the distribution methodology for these funds. The resolution must be adopted by June 30 to make an application and to qualify for these state funds. He reviewed the formula used in approaching the distribution of these funds. Council Member Rogers presented some supportive data. Following further discussion and comments, Council Member Rogers offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart introduced a request to amend Section 5-1-10 of the Harrisonburg City Code. He explained that this request will allow the Police Department to have the FBI check fingerprints for concealed handgun permits. Vice-Mayor Lantz offered a motion to amend Section 5-1-10 of the City Code 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 a supplemental appropriation for the Fire Department. He explained that the Fire Department has received these funds from donations and services rendered. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$ 8,570.54 chge. to: 1000-31914 Recovered Costs
 12,314.05 chge. to: 1000-31809 Donations
 1,405.15 chge. to: 1000-32514 II for Life
 8,069.52 chge. to: 1000-32502 Department of Emergency Services

\$ 1,405.15 approp. to: 1000-350532-46155 II for Life
 27,954.11 approp. to: 1000-320132-48113 Equipment
 1,000.00 approp. to: 1000-320132-48114 Fire Hose

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

City Manager Stewart presented a request for a supplemental appropriation for the Commissioner of Revenue. He explained that funds were approved in the 1995-96 budget for an assessor's computer package for the Commissioner of Revenue's office. The package was not available last year, but now has been selected and installed. It will save the City money in reassessment by being done in-house. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$55,000 chge. to: 1000-31010 Amount from fund balance

\$55,000 approp. to: 1000-121012-48141 Assessment software

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

Council Member Rogers commented on Mark Kilduff's visit on May 8, 1997. He said that Mr. Kilduff had expressed that it is very important for Harrisonburg to be ready for economic development and the various opportunities that we have to offer prospective businesses and industries. Other important points included affordable land available, strong Community Development Department involvement, and brochures to hand out to prospects. Mr. Kilduff also mentioned that it was his impression that Harrisonburg was not open for business.

Council Member Rogers commented on an article concerning the poultry industry which appeared in the Washington Post. The article referred to the putrid smell in the air and polluted water which has alarmed environmentalists and federal officials. It also notes that the concern doesn't stop at the West Virginia border, but drifts to Virginia's Shenandoah Valley - just over the mountains from where the industry has mushroomed around Moorefield - residents know what can happen if poultry farms aren't properly managed. Further comments included the poultry industry boom in the 1980's, severe pollution, levels of water contamination, fecal coliform, and also some valley waterways being little more than streams of animal waste.

Council Member Rogers reviewed some of the comments on Congressman Goodlatte's visit in January regarding the Virginia Department of Transportation study on a new exit on I-81.

City Manager Stewart commented that he received a telephone call from Judge McNulty inquiring about the status of the Lower Courts Facility and expressing his concerns with the existing crowded conditions. He explained that the judge would like to move forward with the Court Services offices. The bids are higher than what Council had recommended that the cost should exceed. The County had said that they will pay \$108,377.30 toward the costs if the City would contribute the \$50,000. The County will recover their investment on a prorata basis based on the original investment. Mayor Eagle stated that it is hard for him to accept the higher cost associated with this project. Following further discussion and comments, Council Member Green requested further explanation to support the higher cost associated with the project. Vice-Mayor Lantz offered a motion that someone (whether it is a architect, low or high bidder) attend a Council meeting to explain and justify the cost of the project. The motion was seconded by Council Member Green, and approved with a unanimous vote.

At 9:50 p.m., Vice-Mayor Lantz offered that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees and Harrisonburg Transportation Safety 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 probable litigation, 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 estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:26 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 Rogers offered a motion for a first reading to authorize Public Works Director Baker to continue purchasing top soil and that \$60,000 be transferred into a capital projects budget for this purpose. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Council Member Rogers offered a motion that Jane C. Prey, 28 Laurel Street, be appointed to a first term on the Blue Ridge Community College Board of Trustees to expire on June 20, 2001. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING

JUNE 24, 1997

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.

Council Member Green 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 10-3-91, 10-3-79, 10-3-97 and Title 10, Chapter 2. Subdivision Regulations of the Harrisonburg City Code. The motion also included the second reading for a supplemental appropriation for the Commissioner of Revenue, Fire Department and a Capital Projects Fund. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ Richard Astarb, project architect for Moseley, Harris & McClintock, reported on the renovations for the Court Service offices in the Lower Courts Facility. He noted that the low bidder was Harman Construction Company. He explained that the cost for the project was over budget because it included higher mechanical, electrical and system control costs. Mr. Astarb also explained that \$27,000 of the discrepancy cost was his error in projecting the original cost by not including profit and overhead. The mechanical control system and the duress and fire alarm systems are fairly sophisticated since they are wired into the jail's monitor station for 24-hour-a-day observation. Discussion included the sophisticated alarm and intercom system, panic alarm electrical system, failed electrical alarm equipment, confidentially sound proof walls, safety devices, heating, air-conditioning, sprinkler, plumbing, pre-designed sketches and higher construction costs. City Manager Stewart noted that the 1997-98 budget was based on the City's contribution of \$50,000. Following further discussion and comments, Vice-Mayor Lantz reluctantly offered a motion to pay one-half of the renovation costs for the Court Services offices and said that perhaps the City should take steps in the future to oversee such construction projects more closely, including providing input from the City and County before the project advanced to the bidding phase. The motion was seconded reluctantly by Council Member Green, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart explained that the Retail Merchants Association has requested blocking certain streets around Court Square and a portion of North Main Street on August 23 for an Arts and Craft show. The street will be closed from 9:00 a.m. until 4:00 p.m. He explained that the Harrisonburg Retail Merchants want to expand the Arts and Craft show to include a car show. The appropriate staff members reviewed the request and supported closing streets around Court Square, but recommended leaving the appropriate 18' fire lane and movable barricades. Staff did

not support closing the requested portion of North Main Street. Council Member Rogers offered a motion to close a portion of Court Square only on August 23. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented an application for fireworks display at Spotswood Country Club on July 4, 1997. He explained that Skyfire Fireworks Displays has completed the appropriate application and they have met all Fire Department requirements. Council Member Green offered a motion to approve this request. The motion was seconded by Council Member Rogers and approved with a unanimous vote of Council.

Public Works Director Baker announced that Hammond-Mitchell, Inc. was the low bidder at \$533,081.30 for rebuilding of the Grace Street Bridge and a sewer line replacement. He noted that the bridge needed complete replacement and said this project will widen the bridge, include a new sidewalk on the south side, and replace a sanitary sewer line adjacent to the bridge along Blacks Run. The project is scheduled to begin July 15 and be completed by November 15. Council Member Green offered a motion to award this contract to Hammond-Mitchell, Inc. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Jim Triplett representing the School Board presented a request to transfer school funds. Increased food costs for food service make this transfer necessary. Council Member Rogers offered a motion to approve the transfer of these funds.

\$20,000 chge. to: 111114-40610 Instruction

\$10,000 approp. to: 111114-40650 School Food Service

10,000 approp. to: 111114-40640 Operation & Maintenance

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

City Manager Stewart presented a request to transfer Sanitation Funds for the Steam Plant to Sanitation Capital Projects Funds for the Steam Plant. These funds will be used for equipment replacement and emission controls at the Steam Plant. Council Member Green offered a motion to approve the transfer of these funds.

\$25,000.00 chge. to: 2014-912242-43330 CISAT

23,000.00 chge. to: 2014-932042-43865 Landfill

60,303.37 chge. to: 2014-972043-48186 Steam Plant

25,287.23 chge. to: 2014-972043-48286 Steam Plant

\$133,590.60 approp. to: 2014-992042-49216 Transfer to Capital Projects

\$133,590.60 chge. to: 1324-34270 Transfer from Sanitation Fund

\$133,590.60 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 a request for a supplemental appropriation for the School Board. These funds will be used for textbooks, related materials, technology, band instruments, special education - a regional program, Title I reading program, special education - Title VIB, and preschool. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$158,209.00 chge. to: 111114-31010 Amount from Fund Balance
 49,522.00 chge. to: 111114-31691 School Revenue - Other
 30,634.00 chge. to: 111114-33301 School Revenue - Federal

\$238,365.00 approp. to: 111114-40610 Instruction

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

Council Member Rogers announced that on July 4-6, a mountain-bike race will be held at Massanutten Resort. The event, which is being featured in this country, is only held once per year. Tourists staying in Harrisonburg motels will need transportation to the event. He suggested that a transit bus and driver could transport these tourists to the event. The Redevelopment and Housing Authority is willing to pay 50% of the cost, if the City picks up the other 50%. Council Member Rogers offered a motion that the City of Harrisonburg participate in this event at a cost of \$350.00 for the driver and bus. The motion was seconded by Council Member Green, and approved with a 4-1 vote with Vice-Mayor Lantz voting no.

Planning and Community Development Director Turner announced that building permit requests have really increased. She explained that they issued 95 building permits in May 1997. In comparison, the average number of permits issued each month is approximately 65. This larger volume of requests has created a backlog and put a burden on the inspection schedule. Normally it takes 48 hours to respond to a request, but now it takes 96 hours before the inspection can be completed. She noted that because of a lot of construction now, the number will not decrease. She said that the department has experienced some problems with cancellations because of over speculation from some builders.

Vice-Mayor Lantz offered a motion to paint the words "City of Harrisonburg - Home of Blue Streaks" with a lightning bolt on the Washington Street Water Tank. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 8:45 p.m., Council Member Green offered that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority and Harrisonburg Transportation Safety 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 probable litigation, 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 estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.


At 9:45 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following 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.

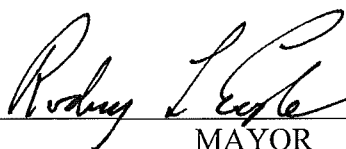
Council briefly discussed the upcoming Council/School Board work session and preparing responses to the PTA/PTO questions.

Council Member Rogers offered a motion that Steven G. Watts, 1416 Country Club Court, be appointed to a term on the Harrisonburg Transportation Safety Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion that Ken Surber, 42 Emery Street, be appointed to fill the unexpired term of John B. Hoover on the Harrisonburg Parking Authority to expire on November 28, 1999. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING

JULY 8, 1997

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; 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 and Assistant City Manager Roger Baker.

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

City Manager Stewart presented a request from Brenda Spencer, Court Service Unit Supervisor, to use fiscal year 1996-97 state funds for electronic monitoring of juveniles. He explained that Ms. Spencer has requested that \$6,000 in state funds be rolled over to the 1997-98 budget in order to expand the court-ordered electronic monitoring of juveniles. No local match is required. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

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

**Project Programming Resolution
Rail/Highway Grade Crossing Projects**

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council resolution be made in order that the Department program an urban highway project in the City of Harrisonburg; now

THEREFORE, BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish the following rail/highway crossing improvement project:

Project Name**Location****DOT No.**

Elizabeth Street

.04 Mile West of Liberty Street

DOT859972V

BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to pay its share, 10.0% of the total costs for preliminary engineering, right-of-way, and construction of this project, and that if the City subsequently elects to cancel this project, the City hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this _____ day of _____, 1997

City of Harrisonburg, Virginia

Rodney L. Eagle, Mayor

ATTEST:

Clerk of City Council

Public Works Director Baker explained that this project is being developed as part of a Federal ISTEAA Rail/Highway Grade Crossing Improvement program. This resolution requests that VDOT develop a project for the improvement of the Elizabeth Street railroad crossing. The Elizabeth Street project had initially been part of an earlier grant application, but because of a lack of money the project was not funded. Besides flashing lights, automated gates will also be installed to close when a train approaches the area. The City is required to pay 10% of the costs for the improvements. Council Member Rogers offered a motion to approve this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 1997. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$255,369.78 chge. to: 1000-31010 Amount from fund balance
27,552.29 chge. to: 2011-31010 Amount from fund balance
6,065.88 chge. to: 2012-31010 Amount from fund balance
133,614.60 chge. to: 2014-31010 Amount from fund balance
3,351.78 chge. to: 2015-31010 Amount from fund balance
425,954.33 Total

\$ 66,620.00 approp. to: 1000-121012-48141 Assessment software
12,500.00 approp. to: 1000-410121-48274 Geographic Information System
10,000.00 approp. to: 1000-410241-48296 WIP-Port Road
16,293.30 approp. to: 1000-410241-48297 WIP-West Market Street
3,969.00 approp. to: 1000-410241-43374 Maintenance & Repairs - Allowable
121,106.79 approp. to: 1000-410741-48111 Machinery and Equipment
1,711.00 approp. to: 1000-710171-43100 Professional services
3,690.60 approp. to: 1000-710171-46130 Recreational supplies
5,000.00 approp. to: 1000-710171-46132 Ed/Rec Supplies - Athletics

| | |
|------------|--|
| 7,614.00 | approp. to: 1000-710171-48184 Improvements |
| 6,865.09 | approp. to: 1000-710771-48184 Improvements |
| 255,369.78 | Sub - Total |
| 74.50 | approp. to: 2011-362061-43710 Uniform Maintenance contract |
| 310.12 | approp. to: 2011-362061-46110 Uniforms |
| 14,945.00 | approp. to: 2011-372061-48216 SCADA |
| 12,222.67 | approp. to: 2011-372061-48291 Engineering/mapping |
| 27,552.29 | Sub-Total |
| 361.35 | approp. to: 2012-432061-43710 Uniform Maintenance contract |
| 177.47 | approp. to: 2012-432061-46110 Uniforms |
| 77.06 | approp. to: 2012-452061-43710 Uniform Maintenance contract |
| 5,450.00 | approp. to: 2012-472061-48291 Engineering/mapping |
| 6,065.88 | Sub-Total |
| 105,000.00 | approp. to: 2014-972043-48151 Motor vehicles and equipment |
| 3,614.60 | approp. to: 2014-972043-48186 Steam plant |
| 20,000.00 | approp. to: 2014-972043-48217 Recycling |
| 5,000.00 | approp. to: 2014-972043-48285 Landfill |
| 133,614.60 | Sub-Total |
| 3,351.78 | approp. to: 2015-41064-43330 Maintenance and repairs - M&E |
| 425,954.33 | Total |

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

City Manager Stewart presented a request to accept the delinquent tax collection report as of June 30, 1997 and to authorize the City Treasurer to advertise delinquent real estate taxes for 1995-1996 and 1996-1997. 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.

Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, presented a brief report on the proposed downtown Market Place. He explained that a community theater is essential to the Market Place Court Square complex. The planned 288-seat theater for the complex will be in the former Rockingham Motor Company building located on Graham Street. The theater will be able to host movies, musical events, and live performances. Part of the reason for the entrance of the theater through the Woolworth building is because we want to bring people through a very spacious promenade that will feature restaurants and retail shops on the ground level. A restaurant reviving the old "Calhoun's" name will include a terrace dining overlooking Court Square. A duplicate cast detailed ornamental design will be reproduced on the exterior of the building. It will represent not only a place to have fun and provide entertainment, but also a place to celebrate the history of the building. He reviewed downtown parking areas including the municipal lot, a church lot, Harrison Plaza parking lot and spanning Blacks Run with a wooden foot bridge to use another parking lot. Mr. Deskins requested conditional approval to several variances regarding encroachments on public right-of-ways for the development of the complex. David Turner who works for the University of Virginia Real Estate Foundation commented about the revived downtown Roanoke shopping area and what this Market Place building should be able to accomplish in the downtown area. He mentioned that the balance of the Market Place should be filled by retail shops and a possibility of locating an office on the second floor. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve several variances including an arch

clearance on Graham Street, front encroachment of the Woolworth Building, encroachments on public right-of-ways, especially expansion of the existing sidewalk along Graham Street from its present three-foot width to a six-foot width, and to let the parking lot details be worked out between City staff and the Housing Authority. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Human Resource Director McBride presented a request to change the City's shared leave policy in the Personnel Manual. Mr. McBride explained that in the current shared leave policy, employees can donate leave to fellow employees who have a catastrophic illness, injury, or an extraordinary and unforeseeable circumstance beyond the employee's control. Nevertheless, in order to qualify, employees must have at least six months continuous service and used all forms of eligible leave. It is a rarely used policy and approval is required by both the Department Head and the City Manager, but because of a recent event an oversight was noticed in the policy. Mr. McBride requested that the six-month waiting period be eliminated on shared leave to be effective as of June 30, 1997. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Planner Sarkar presented a brief report on the development of the new 131,000 square-foot Lowe's Superstore located at the corner of Linda Lane and Country Club Road. The site plan identifies 716 parking spaces for customers. Both store entrances will be on Linda Lane. The plans also show right and left turning lanes on Country Club Road at the intersection with Linda Lane. Linda Lane will be improved to a three-lane road with a center turn lane. The side of the site facing Linda Lane will be installed with curb and gutter. The City will contribute partially to the cost of paving the right turn lane. A traffic signal will be installed at the intersection of Linda Lane and Country Club Road. The signal will be designed to accommodate future widening of Country Club Road. The cost to the City for traffic signal improvements will be approximately \$2,500.

At 8:25 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session to discuss and/or consider the following: Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract and agreement, 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 estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Green, 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 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 briefly discussed the upcoming Council/School Board work session and the responses to the PTA/PTO questions.

At 9:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

Richard L. Egle
MAYOR

REGULAR MEETING

JULY 22, 1997

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.

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes and the second reading for a re-appropriation of several outstanding encumbrances at June 30, 1997. The motion also included referring closing and vacating a portion of Hillside Avenue and a portion of Orchard Lane to the Planning Commission. 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 recommendation from the Planning Commission to amend Sections 11-5-3 (21) & (22) of the sign ordinance. She explained that an additional sentence will be added to Section 11-5-3 (21) stating that the cost for such removal shall be charged to the owner or owners of the property where the violation occurred and shall be collected along with state and local taxes, as provided under Virginia Code Section 15.1-867. She said the City has always had the power to make a property owner remove a sign; however, it did not have a mechanism to recover the cost for removing the sign. The owner will be asked to correct the violation within 30 days. This amendment will apply to signs that are not maintained in good repair, but also to any signs erected without a permit. An additional sentence will be added to Section 11-5-3 (22) stating that Government, civic, charitable and non-profit organizations are exempt from fee requirements and it will correct the fee to \$25.00. Council Member Byrd offered a motion to approve this request for a first reading as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Walter Hancock representing Wiley & Wilson Engineering presented a brief report on alternatives which will provide remediation to navigation barriers at the Island Ford Dam on the South Fork of the Shenandoah River. Mr. Hancock explained that the existing condition at the dam is unsatisfactory and hazardous to boaters on the river. As the conditions exist, it would be very dangerous for a boater to pass through the failed and broken portion of the dam. The dam has been in this condition for over 40 years. Mr. Hancock reviewed the four alternatives that could improve the situation and allow safe passage around the dam. These alternatives include demolishing a portion of the dam still standing on the railroad side of the dam, remove approximately 20 to 40 feet of broken sections and demolish an additional two to four vertical feet of the remaining dam footing, demolish all the original concrete superstructures across the old power canal that separate the west bank from the island, and provide an opening in one sluice gate to allow boaters a safe passage

through the dam. He noted that the alternatives should provide safe portage for boaters, people fishing, be compatible with future plans, economical, and require a minimal effort to maintain in the future. By opening a sluice gate and making other repairs, it should allow boaters and canoeists to pass through the opening. It is anticipated that the construction for the fourth option would be approximately \$60,000. Following further discussion and comments, Council Member Rogers offered a motion to endorse option four as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ Public Utilities Director Collins presented for Council's consideration charging off delinquent utility bills incurred between the dates of August 1994 to June 1996. Mr. Collins explained that these delinquent accounts will be written off as uncollectible; however, the collection agencies will continue to pursue these accounts as outstanding. None of these customers currently have a utility billing account in their name nor are they receiving water and sewer services. Council Member Green offered a motion to charge off these delinquent utility bills as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request to transfer School funds. These funds will be used for expenditure functions and were adopted by the Harrisonburg City School Board on June 3, 1997. Council Member Rogers offered a motion to approve the transfer of these funds.

\$ 13,067.00 chge. to: 111114-40620 Administration/Attendance/Health
 116,935.00 chge. to: 111114-40640 Operation & Maintenance
 3,457.00 chge. to: 111114-40650 Food Service

\$133,459.00 approp. to: 111114-40610 Instruction

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

✓ City Manager Stewart presented a request for a supplemental appropriation for the School Board. These funds will be used to continue the repairs to the elementary schools. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$490,000 chge. to: 1000-31010 Amount from fund balance

\$490,000 approp. to: 1000-990111-49225 Transfer to Capital Projects

\$490,000 chge. to: 1311-34210 Transfer from General Fund

\$490,000 approp. to: 1311-910114-48690 Repairs to elementary schools

The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council. Colin Owens, representing the City schools, commented that with these funds they can accomplish some repair work that needed to be done. It will also be accomplished, while hopefully completing some more anticipated work in a way that future work will not damage the work already completed. He further stated that the work underway is not a stop gap solution.

Public Utilities Director Collins presented a proposed contract from the National Resource and Conservation Services. He explained that rebuilding the emergency spillway at Switzer Dam and repairs to Dry River Dam from Hurricane Fran which occurred last September was very extensive. The rock face at the emergency spillway has been exposed and needs to be covered and protected from freezing and thawing. Draining the lake for repairs also might be necessary. The National Resource and Conservation Services estimated the total cost of the project to be about \$220,000. The proposed contract will require the City to pay at least 25% of the cost for repair at both dams. Following further discussion and comments, Mr. Collins suggested that he will advise National Resource and Conservation Services that City Attorney Thumma is reviewing the contract and an answer will be available by the next Council meeting regarding the cost assumption.

At 8:19 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 Rockingham Development Corporation Board, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract and agreement and potential and pending litigation, 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 estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. 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 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 to put \$22,409 into an escrow account in the General Fund Reserve for Contingency for the library to be held until they show a need for it. This money will match the per capita amount appropriated by Rockingham County. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion that \$9,900 from General Fund Balance be transferred to Capital Projects Fund for Multipurpose Athletic Fields for a first reading. These funds will be used for a well. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 10:59 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

Richard L. Eagle
MAYOR

REGULAR MEETING

AUGUST 12, 1997

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., and Walter F. Green, III; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Council Member Larry M. Rogers.

Council Member Byrd delivered the invocation and Jonathan DeFabio from Troop 145 of the Harrisonburg Church of Jesus Christ of Latter-Day Saints led everyone in the Pledge of Allegiance.

Human Resource Director McBride introduced seven new City employees: Matt Curry, Michael Rogers, Greg Coffman, Raymond Aigner, Fire Department; Michael Morse, Christopher Terrell, Police Department; and Ronald Foley, Public Works Department.

Council Member Green offered a motion to approve the consent agenda, including approval of the minutes and the second reading for a supplemental appropriation for the School Board and to transfer funds from the General Fund's reserve to General Capital Projects Fund. The motion also included the second reading of an ordinance amending and re-enacting Section 11-5-3 (21) and 11-5-3 (22) of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council Members present.

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 Monday, July 28, and Monday, August 4, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday August 12, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendments and Changes:

Amendment of Article R. M-1 General Industrial District, Section 10-3-96 of the Ordinances of the City of Harrisonburg to include the following as a use permitted by right:

(18) Public and privately owned parking lots and parking garages.

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

Planning and Community Development Director Turner introduced a recommendation from the Planning Commission to amend the text of Section 10-3-96 of the City Zoning Ordinances (permitting private and public parking lots and parking garages). She explained that Mr. Henry Clark of Clark & Bradshaw attributes the necessity for the amendment to the law firm's need for additional parking close to their office at 92 North Liberty Street. They have agreed to purchase a vacant lot on the north side of Elizabeth Street west of the railroad and desire to use the lot for employee parking. A study of neighboring jurisdictions revealed that many localities permit this type of use in industrially zoned areas. Rockingham County, Winchester, Charlottesville, Lexington, and Roanoke all allow public/private parking areas in their industrial zone classifications. Mrs. Turner said that Planning Commission has recommended approval. Mayor Eagle called on anyone present desiring to speak either for or against this request. There being no one present desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Council Member Green offered a motion for a first reading to approve this request. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

Clifford Davis presented a request for a financial contribution for Hogpen Run, a disabled access road. He explained that approximately 16,000 disabled sportsmen (hunters) are in the State of Virginia according to the Virginia Department of Game and Inland Fisheries. The Dry River Ranger District of the George Washington National Forest is the only district in the national forest that has a disabled hunter access program. The 2.6 mile road known as Hogpen Road has been in a state of disrepair due to neglect and misuse. A grant program funded by the Federal Highway Administration has provided 50% of the funding for repairs. Other funding has been provided through in-kind services or other contributions from individuals, local agencies, businesses, and non-profit organizations for the disabled access road; however, the project still has a \$4,000 shortfall. Mr. Davis stated that Rockingham County was willing to provide \$2,000 of the \$4,000 shortfall if the City would contribute the other \$2,000. Following further discussion and comments, Council Member Green offered a motion to spend \$2,000 for the project from the General Fund Reserve for Contingencies as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, introduced a request for a loan and management agreement. Mr. Deskins explained that this is the same agreement which was presented to City Council in April. He reviewed the changes in the

agreement including changing of the date to August, language regarding money borrowed, security deposit language, and interest commencement. Mr. Deskins reported that the theater is 60% completed and is expected to open during the fall. Vice-Mayor Lantz offered a motion to approve this request for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

Public Utilities Director Collins presented a proposed cooperative agreement with the Natural Resource Conservation Service to repair dam site 22B (Dry Run Dam), dam site 81C (Switzer Dam) and channel shaping in Dry River at the Riven Rock water intake structure. Mr. Collins explained that this fund will be used for rebuilding the emergency spillway at Switzer Dam, making repairs to Dry Run Dam, and re-channeling of Dry River at the City's Riven Rock water intake structure. Mr. Collins also stated that although plans are available, bids cannot be submitted until a contract is signed. He also noted that this request does include a supplemental appropriation to cover the City's share of the cost and that the City Attorney has revised the contract. City Attorney Thumma commented that he added several paragraphs in the revised contracts to state that if the final bids exceed 25% of the original estimate then the agreement would be void and a new contract would be presented. Mr. Collins noted that this supplemental appropriation for \$58,750.00 was for the exact original estimate of the agreement; however, it does not include the additional 25% if the bids should exceed the original estimated amount. City Manager Stewart stated that the supplemental appropriation for the second reading should reflect the new figure of \$73,437.50 which would include the additional 25% and a report will be presented regarding the actual bids. Council Member Green offered a motion to approve this agreement for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 1997. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$16,542.00 chge. to: 2013-31010 Amount from fund balance

\$13,572.00 approp. to: 2013-812081-43350 Maint. and Repair - Auto equipment
2,970.00 approp. to: 2013-872081-48181 Buildings and grounds

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 for approval of several appropriations for the Police Department. These grant funds will be used for a School Resource Officer, equipment and overtime for drug interdiction, and office supplies, miscellaneous equipment for community crime prevention services. Vice-Mayor Lantz offered a motion to approve these grant funds for a first reading, and that:

\$47,577.00 chge. to: 1000-33501 Enhancing Drug Enforcement Drug Interdiction

\$ 1,211.25 approp. to: 1000-310131-42010 FICA

15,888.75 approp. to: 1000-310131-41020 Salaries/Wages OT
 18,630.50 approp. to: 1000-310131-48151 Motor Vehicles/Equipment
 7,410.00 approp. to: 1000-310131-48131 Radio Equipment
 2,061.50 approp. to: 1000-310131-46100 Police Supplies
 2,375.00 approp. to: 1000-310131-48111 Machinery & Equipment

\$26,436.00 chge. to: 1000-33505 School Resource Office

17,811.00 approp. to: 1000-310131-41010 Salaries/Wages REG.
 1,875.00 approp. to: 1000-310131-41020 Salaries/Wages OT
 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 Ins.
 137.25 approp. to: 1000-310131-42060 Life Ins.
 346.50 approp. to: 1000-310131-42110 Worker's Comp.

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

\$ 375.00 approp. to: 1000-310131-46010 Office Supplies
 750.00 approp. to: 1000-310131-46140 Other Operating Supplies

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

City Manager Stewart advised that the Public Works Department has already changed the west bound Route 33 truck route from Wolfe Street to Gay Street between Mason and High Street because of the improvements to the Gay Street bridge. The Transportation Safety Commission has reviewed and endorsed this change.

Parks and Recreation Director Logan noted that because of a cooperative effort between several City departments work had begun on proposed soccer fields on the Smithland Road property. A water witch has recommended two possible general sites for a well. An application has been filed for a permit with the Health Department and the Public Works Department has finished the entrance road for the well drilling equipment. The Engineering office will submit a site plan to Rockingham County and information has been provided to HEC in determining how to get power to the site.

At 8:10 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 Rockingham Development Corporation Board, and evaluation of two City departments, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 9:17 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.

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

Yvonne Ryan
CLERK

Reuben L. Egle
MAYOR

REGULAR MEETING

AUGUST 26, 1997

At a regular meeting of Council 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.

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 second reading of authorization to enter into cooperative agreements with the Natural Resource Conservation Service to repair dam site 22B (Dry Run Dam), dam site 81C (Switzer Dam) and channel shaping in Dry River at the Riven Rock intake structure, also second reading of supplemental appropriations for the Police Department for Community Crime Prevention Services Grant, Drug Interdiction Grant, and School Resource Officer Grant, the re-appropriation of several encumbrances outstanding at June 30, 1997 and approved a loan and management agreement with the Harrisonburg Redevelopment and Housing Authority.

✓ Parks and Recreation Director Logan gave a brief update of the status of the soccer fields on Smithland Road. She reported that the well had been drilled to a depth of 497 feet and what was felt to be an adequate supply of water had been found. Bids for site grading had been received and opened with Faulconer Construction Company of Charlottesville the low bidder. City forces were scheduled to begin preliminary site preparation the first week of September. Council Member Lantz offered a motion to transfer \$225,000.00 from Reserve for Land and Construction to Soccer Capital Projects Fund. The motion was seconded by Council Member Rogers and passed by a unanimous recorded vote of Council Members.

✓ Fire Chief Shifflett presented for Council's consideration a proposal for a grant from the Fire Services Fund to make repairs to the burn building used for training fire fighters in this region. The grant funds have to be spent by the City and then reimbursed by the State. Council Member Green moved to authorize the signing of the Fire Services Grant Fund Agreement of an amount not to exceed \$94,285.00. The motion was seconded by Council Member Byrd and approved by a unanimous recorded vote of Council Members.

✓ Fire Chief Shifflett presented a proposed amendment to Section 5-2-1 of the Harrisonburg City Code to reflect the date of the latest Fire Prevention Code. Council Member Rogers offered a motion to approve the amendment for first reading. The

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

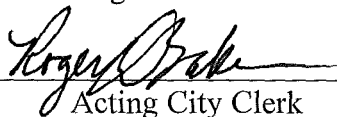
Police Chief Harper requested Council to make a supplemental appropriation of \$6,967.00 to purchase eight (8) new light bars for police cruisers. These funds would come from drug forfeiture funds that can only be used for Police Department expenditures. Council Member Rogers offered a motion to approve the supplemental appropriation for a first reading. The motion was seconded by Council Member Green and passed by a unanimous recorded vote of Council Members.

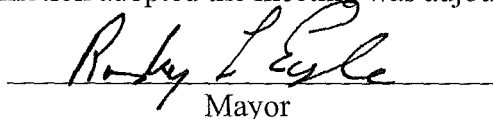
At 7:51 p.m. Council Member Green offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Rockingham Development Corporation Board, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; consultation with the city attorney and briefings by staff members pertaining to three (3) existing agreements, 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; and discussion and consideration of the acquisition of real estate to be used for public purpose, exempt from public meeting requirements pursuant to Section 2.1-344 (A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with an unanimous vote of City Council.

At 10:36 p.m., the executive session was declared closed and the regular session reconvened. Acting City Clerk Baker read the following statement which was agreed to with an unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Rogers offered a motion to authorize the purchase of approximately 25 acres of land in the north area of the City, and to transfer \$300,000.00 from the Public Safety Building Capital Projects Fund to the Economic Development Capital Projects Fund. The motion was seconded by Council Member Byrd and approved by an unanimous recorded vote of the City Council.

Council Member Lantz offered a motion to appoint Council Member John Byrd to the Rockingham Development Corporation Board. The motion was seconded by Council Member Rogers and approved by an unanimous vote of City Council. At 10:47 p.m. there being no further business and on motion adopted the meeting was adjourned.


Acting City Clerk


Mayor

REGULAR MEETING

SEPTEMBER 9, 1997

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 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 the second reading of an ordinance amending and re-enacting Section 10-3-96, and 5-2-1 of the Harrisonburg City Code. The motion also included the second reading for some supplemental appropriations for the Police Department, soccer fields and a Fire Services Grant Fund contract. The motion was seconded by Vice-Mayor Lantz, 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 Friday, August 29, 1997.

NOTICE OF PUBLIC HEARING**City Council Chambers****Tuesday, September 9, 1997****7:30 p.m.**

The Harrisonburg City Council will hold a public hearing on Tuesday, September 9, 1997, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to receive public comments on the following:

A solid Waste Management Plan prepared for submitted to the Virginia Department of Environmental Quality. A copy of said plan is available for public review at the office of the City Manager, 345 South Main Street, Harrisonburg, VA. Information is also available at the Public Works office located at 320 East Mosby Road, Harrisonburg, VA - Telephone 540-434-5928.

CITY OF HARRISONBURG**Steven E. Stewart****City Manager**

Public Works Director Baker presented a proposed Solid Waste Management Plan for Council's approval. He said that Draper Aden, Consulting Engineer's, developed this plan five years ago and it is updated every five years to determine how the City is handling the collected solid waste. He reviewed the basic plan which sets the parameter and goals for the future while emphasizing the most environmental friendly way of dealing with solid waste. He also reviewed the City's recycling process and the importance of resource recovery. He recognized the staff of the Sanitation Department for updating this plan. There being no one desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this Solid Waste Management Plan as presented. 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 second public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 25, and Tuesday, September 2, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday September 9, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

STREET CLOSING:

- 1. Request by James Madison University to close those portions of Hillside Avenue and Orchard Lane lying within the boundaries of the University's "Z" parking lot located near the southbound ramp of Interstate 81, with the entrance being Hillside Avenue between the 200 and 300 blocks of Port Republic Road. The site is identified as 11-N-40-44, 11-0-11-14, 11-R-2-13 and 11-S on the City of Harrisonburg block maps. The portion of Hillside Avenue leading to the parking lot entrance and lying between lots 11-0-16 and 11-R-1 on the City of Harrisonburg block maps is not recommended for closure.**

DECISION:

The decision shall be made based upon the procedures set forth under Virginia State Statute 15.1-364 and the City of Harrisonburg Code §6-1-22 & 23.

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**

Planning and Community Development Director Turner introduced a request by James Madison University to close portions of Hillside Avenue and Orchard Lane lying within the boundaries of James Madison University's "Z" parking lot. She said the area consists of approximately 27,248 square feet and has been used by JMU for parking. The closing of Orchard Lane and Hillside Avenue will create permanent dead-end streets on three sides of the parking lot. Since the dead-end streets cannot provide turnaround space for refuse collection and snow removal trucks, the vehicles have to use existing driveways of residents on Hillside Avenue. Mrs. Turner noted that as part of the closing, JMU had also requested that payment for the property be waived. She said that Planning Commission recommended that these streets be closed, but also should consider the possibility of developing cul-de-sacs at the end of Hillside Avenue and Orchard Lane. Mayor Eagle called on anyone to speak either for or against closing portions of these streets.

G.M.Showalter, a resident living at 225 Orchard Lane, said that the street had always been a dead-end street. He noted that the grassy area at the end of the street which faces his property was an excellent place for children to play and that he and another neighbor have maintained the area by mowing it. He suggested that they should not change the area.

Bob Sherfy questioned if property owned by the state or a university would have to abide by zoning regulations. It was noted that if portions of this street were closed, then it becomes property of James Madison University. City Manager Stewart mentioned that JMU was under the assumption that the street had been closed, which essentially exists only on paper. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Lantz questioned at whose expense would these cul-de-sacs be built. City Attorney Thumma noted that the only time someone does not pay for a street closure is because City Council initiated it. Otherwise, the person who has initiated the request will pay the City. Vice-Mayor Lantz said that it was his understanding that the residents were happy with the dead-end street. Following further comments and discussion, Vice-Mayor Lantz offered a motion for a first reading that if JMU wanted the street closed, then the university should pay for the land and put in a cul-de-sac and close it. The motion also included that if JMU wanted to pursue this request under the terms stated, then Council will appoint a Board of Viewers to review the request. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:55 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 25, and Tuesday, September 2, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday September 9, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING

Request by Norman and Kristine Stern to rezone approximately 6,157 square feet located at 200 South Avenue from M-1 General Industrial District to B-2 General Business District. The site is identified as lot 19-A-1 on the City of Harrisonburg block maps. The Comprehensive Plan recommends the site for commercial use.

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

Planning and Community Development Director Turner introduced a request by Norman and Kristine Stern to rezone approximately 6,157 square feet, located at 200 South Avenue, from M-1 General Industrial District to B-2 General Business District. She explained that currently the building, used as a pet store "Pet Chalet," is the only building located on the site. Parking for approximately six vehicles is located behind the building, which is sufficient for most potential B-2 uses of the property. Most of the surrounding area is zoned M-1 and contains homes, commercial uses, multi-family uses, and light industrial uses. The Comprehensive Plan recommends the property for commercial use. She said that Planning Commission has recommended approval of this rezoning request. Mayor Eagle called on anyone to speak either for or against the rezoning request.

Norman Stern requested that City Council endorse the request, since the Planning Commission has approved the request. There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this rezoning request as presented. The motion was seconded by a Council Member Rogers, and approved with a unanimous recorded vote of Council.

George Hedrick, a resident living at 251 Paul Street, stated that he was appearing before City Council to express his concern regarding the excessive number of traffic and speeding on Paul Street, mainly between Ott Street and Mason Street. Mr. Hedrick explained that the street does not have any speed limit signs or warning "Children Playing" signs visible. There are at least 25 children under the age of seven living on this block. He suggested that parking should only be allowed on one side of the street and that traffic should only be allowed to go one-way from Mason Street to Ott Street to help reduce speeding on the street. He reviewed his plan for eliminating the traffic on Paul Street. Council Member Rogers offered a motion that the City Manager instruct the appropriate departments to conduct a study and inform City Council of their findings. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the John D. Eiland Company to hold a fund raiser for muscular dystrophy behind the Community Development building. Mr. Stewart suggested that police escort the Budweiser Clydesdale's horses from the Municipal Building to Court Square and back down Liberty Street on September 22. This will avoid closing any streets for any length of time. The Budweiser Clydesdales will then be on public display behind the Municipal Building adjacent to the concert site. Council Member Rogers offered a motion to approve this event. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

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

WHEREAS, Friendship Industries, Inc., intends to construct a 40,000 square foot manufacturing and employment training facility on 9.6211 acres of land that is located jointly in the City of Harrisonburg and The County of Rockingham just off of North Liberty Street (Star Route 753); and

WHEREAS, the capital investment in land, building and equipment is expected to be approximately \$3,000,000; and

WHEREAS, Friendship Industries anticipates initially employing between 80 and 100 workers through consolidation of its locations, Friendship anticipates the hiring of an additional 70 to 90 new workers based on growth of the organization; and

WHEREAS, future expansion of the site, involving subsequent capital investment, is expected to result in the addition of as much as 60,000 square feet; and

WHEREAS, the landowner is willing to dedicate, at the appropriate time and as development of the property proceeds, rights-of-way as required by Virginia Department of Transportation for construction of the road to be known as Friendship Drive just off of North Liberty Street at the junction of the City and County property line.

NOW, THEREFORE, BE IT RESOLVED THAT: The City Council of Harrisonburg hereby requests the Commonwealth Transportation Board to provide an adequate road to this new manufacturing and employment training center for persons with disabilities.

Date

Mayor

Attest:

Clerk

Council Member Rogers explained that Friendship Industries has been operating in the Harrisonburg-Rockingham County area for many years. It is a non-profit organization that works with people with disabilities. Friendship Industries has sought and received many grants to purchase vans for transporting some of these people with disabilities. Council Member Rogers offered a

motion with great admiration to approve this resolution. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a three-year lease/purchase agreement to purchase new voting machines. He explained that funds were appropriated in the 1997-98 budget for the first year installment on the lease/purchase agreement. The City negotiated with Crestar Bank to provide the financing for a three year period with a 5.75% interest rate. Council Member Rogers offered a motion to approve this agreement. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. These funds will be used to recover unexpended funds from General Fund Balance for E-911, Fire Programs Funds and Hazardous Materials supplies. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$73,118.16 chge. to: 1000-31010 Amount from fund balance

\$35,999.21 approp. to: 1000-350532-45240 E-911

19,451.77 approp. to: 1000-350532-46160 Hazardous materials supplies

17,667.18 approp. to: 1000-350532-48203 Fire Program Fund

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

Council Member Rogers proposed that the City locate a police sub-station at the Valley Mall because of a series of high-profile crimes in the area. He suggested hiring one police officer in the current fiscal year and establishing a sub-station in a trailer before the Christmas holidays. He also suggested adding 10 additional police officers while encouraging banks in the mall area to install outdoor surveillance cameras. He stated that "Our number one job is to make sure that people are safe before they go to school or anything else." He suggested that people live in this area because of the good quality of life that exists in Harrisonburg. Mayor Eagle suggested that Council needed to study the issue especially what resources are available. Council Member Rogers offered a motion that within 30 days City Council receive a report from the Police Department concerning this issue. The motion also included that the Police Department consider establishing a private/public sub-station at the Valley Mall. The motion was seconded by Council Member Green and approved with a unanimous vote of Council.

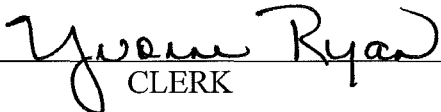
Vice-Mayor Lantz commented that several citizens and members of the Harrisonburg High School football team had asked him to express their appreciation to City Council and the Water Department for painting the water tank on Washington Street. He noted that it expresses how City Council feels about the youth in the community while promoting school spirit and pride in the community. He also commented that apparently the words "City of Harrisonburg - Home of the Blue Streaks" with a lightning bolt on the water tank were so important to the coaches of Harrisonburg High School that they conducted a caravan of approximately 40 cars to view the water tank.

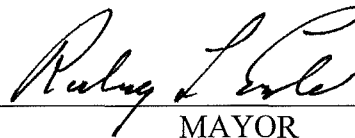
At 8:29 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Upper Valley Regional Park Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purpose, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to 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, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 9:35 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following 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 Assistant City Manager Roger Baker be re-appointed to a term on the Upper Valley Regional Park Authority to expire on September 30, 2001. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:27 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

SEPTEMBER 23, 1997

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, Larry M. Rogers; and 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 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 the Fire Department. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:34 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 8, and Monday, September 15, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council and the Harrisonburg Planning Commission will hold a joint public hearing on Tuesday, September 23, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following rezoning:

Request by James R. Sipe, Sr., and Northside LLC, property owners and the City of Harrisonburg, contract purchasers of a portion of the property, to rezone approximately 35 acres located on the North Side of Mt. Clinton Pike and North Main Street, from R-2, Residential District, to M-1, General Industrial District. These properties are identified as 44-A-15 through 25; and 44-B-1 and 4 on Harrisonburg block maps. The Comprehensive Plan recommends the area for commercial use.

Maps and other information are available for review in the Department of Planning and 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 Director of Planning and Community Development at least 5 days prior to the time of the meeting.

Stacy H. Turner
Director of Planning and Community Development

Planning and Community Development Director Turner introduced a request to rezone approximately, 32.31 acres located on the north side of Mt. Clinton Pike from R-2, Residential District, to M-1, General Industrial District. She explained that approximately 23.06 acres of this property is under contract for purchase by the City of Harrisonburg and the remaining acreage requested to be rezoned is owned by James R. Sipe, Sr. and Northside, LLC. The purpose of the request is to create an industrial park area for the City of Harrisonburg and then to rezone the remaining portion of the parcel owned by Mr. Sipe and Northside, LLC. The surrounding zoning classifications include R-2, Residential District, and M-1, General Industrial District. The land use guide has recommended this site for commercial use; however, there is a large area surrounding it recommended by the land use guide for industrial use. Mrs. Turner also stated that the revision of the Comprehensive Plan will recommend this area for industrial use. She said that staff recommended approval of the rezoning. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Planning Commission Chairman Whitten reported that the Planning Commission unanimously recommended approval of the rezoning. Vice-Mayor Lantz offered a motion to approve the rezoning request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ Jane Hubbell, Executive Director of Big Brothers/Big Sisters, introduced a request to adopt a resolution supporting an Office on Youth. She explained that in 1990, Council had approved the program, but because state funding was unavailable Harrisonburg did not start an Office on Youth. State funding is now available and the department has reapplied for the grant funding. If the grant proposal is accepted funding would start July 1, 1998. The annual budget should be approximately \$60,000 including contributions from the state grant funding, the United Way of Harrisonburg, Rockingham County and Harrisonburg. She requested that Harrisonburg support this Office on Youth by contributing \$5,000 beginning July 1, 1998. Following further discussion and comments, Council Member Rogers offered a motion to adopt this resolution supporting an Office on Youth. 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 by Kirk Hardy for a preliminary plat in Willow Hills Subdivision, Unit 4A, with a variance to Section 3.1.7 of the Design and Construction Standards Manual pertaining to sidewalks. She explained that the applicant wants to subdivide three (3) parcels from a larger parcel located at the western end of Willow Hill Drive. Because it involves a slight extension of the existing Willow Hill Drive, a sidewalk will be required to be constructed on this extension. She also explained that Mr. Hardy has requested a variance to waive the requirement for sidewalks. Although there are no sidewalks along the existing portion of Willow Hill Drive, the ordinance requires the construction of sidewalks for new developments. Staff has not supported sidewalk variances in other instances where a variance has been requested and cannot support a variance in this case. Furthermore, the applicant has shown his intent to further extend the subdivision to construct approximately fifteen single-family homes. Mrs. Turner also noted that Planning Commission discussed this issue in depth and with a decision of four

to two votes recommended approval of this request granting the variance requiring sidewalks. Council Member Rogers offered a motion to support Planning Commission's recommendation. The motion was seconded by Vice-Mayor Lantz. Discussion included public safety, wider streets, whether we need sidewalks at all, whether we should require sidewalks on all residential streets, or should they be required only on totally new subdivisions or on extensions of existing ones, whether sidewalks will connect existing developments, the impact on the development community and the price of housing if we continue to require sidewalks. After requesting clarification of the motion, Council Member Rogers withdrew his original motion and offered a new motion directing the Planning Commission, Staff, and the City Attorney to review this request again and submit another recommendation to City Council. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Public Utilities Director Collins introduced a request to amend Section 7-1-16 of the Harrisonburg City Code. He reviewed the present requirements for utility deposits and reported that the rates had not changed since 1984 and the deposit was no longer sufficient to cover delinquent accounts. Pursuing the delinquency is also difficult due to the cost of the collection process. Vice-Mayor Lantz offered a motion to amend Section 7-1-6 of the City Code for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ Public Utilities Director Collins introduced a request to amend Section 7-4-3 of the Harrisonburg City Code. He explained that the existing ordinance concerning the penalty for delinquent bills was perceived as unfair by some customers and would be a more customer friendly policy if the ordinance was amended to give a longer grace period. Vice-Mayor Lantz offered a motion to amend Section 7-4-3 of the City Code 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 a supplemental appropriation for the Public Utilities Department. He explained that an encumbrance to Emery & Garrett Groundwater from an earlier re-appropriation request had been omitted and this supplemental appropriation was necessary to cover this expenditure which is an ongoing contract as part of our west source water development. Council Member Green offered a motion to approve this request for a first reading, and that:

\$17,476.11 chge. to: 2011-31010 Amount from fund balance

\$17,476.11 approp. to: 2011-372061-48209 Western Source Development

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. Police Chief Harper requested to have grant money that had lapsed back to the General Fund on June 30, 1997, be re-appropriated to the Police Department to purchase radio equipment. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,095.55 chge. to: 1000-31010 Amount from Fund Balance

\$1,095.55 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 a supplemental appropriation for the Police Department for a second dispatch work station. Police Chief Harper explained that these funds are from the drug forfeiture fund and can only be used for law enforcement purposes. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$27,264.00 chge. to: 1000-2700 Drug forfeiture fund

\$27,264.00 approp. to: 1000-310131-48131 Radio equipment


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

Beth MacDonald, Director of Marketing and Member Services for the Virginia Municipal League stated that she was present to address questions or concerns Council may have related to the League. She reviewed the various functions and services of the VML offered to members. City Manager Stewart announced that Harrisonburg has been selected as the winner of the VML Achievement Award for cities with populations of 10,000 to 35,000. This VML Achievement Award is for the recent Resource Recovery Facility expansion project and will be presented to the City at the annual VML Convention banquet held on October 21 in Hampton, Virginia.

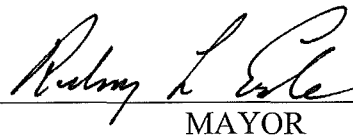
City Manager Stewart stated that the Virginia Municipal League has been scheduled for October 19-21, 1997. Vice-Mayor Lantz offered a motion that naming Mayor Rodney Eagle as the voting delegate and Council Member Larry Rogers as the alternate voting delegate. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart announced that he had received a letter from Emily Purdy thanking the City staff for the paving of her street and the other good work they do for the citizens of Harrisonburg.

At 9:14 p.m., there being no further business and on motion adopted the meeting was adjourned.



ACTING CLERK



MAYOR

REGULAR MEETING

OCTOBER 14, 1997

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 eight new City employees: Wayne Smith, Dinah Chandler, Fire Department; Richard Evick, Parry Lohr, Transportation Department; Rebecca Teter, Police Department; Amanda Bennington, Dennis McGuffin, Public Utilities Department; and Erica Secrist, Parks and Recreation Department.

Council Member Rogers 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 7-1-16, and 7-4-3 of the Harrisonburg City Code. The motion also included the second reading for supplemental appropriations for the Police Department, and the Water Enterprise fund to Capital Outlay for 1997-98. 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 recommendation from the Planning Commission to amend Sections 10-3-24, 10-3-39, and 10-3-46 of the City Zoning Ordinances pertaining to boarding and rooming houses. She explained that these proposed changes would remove rooming and boarding houses from the R-2 zoning classification and allow them only by a special use permit within the R-3 zoning classification. She also explained that Planning Commission had indicated a concern with rooming and boarding houses in the City and expressed the possibility of removing them from the zoning ordinance. A report prepared by Staff indicated that rooming and boarding houses did contribute to some concerns within the community, dealing with property maintenance issues, density in the neighborhoods, on-street parking problems, and late night parties. Staff suggested that Planning Commission might want to consider removing rooming and boarding houses from the R-2 zoning classification and allowing them only by special use permit in R-3 districts. Mrs. Turner noted that Planning Commission held a public hearing on September 10, 1997 and many people spoke in support of the amendment and a few spoke in opposition. Currently the R-2 zoning classification allows boarding or rooming houses for six or fewer people as a "use permitted by right" but requires that the property owner must reside in the rooming house. All of the rooming and boarding houses that existed in R-2 were allowed to continue when the amendment was added in 1989. The R-3 classification allows a maximum number of ten boarders without the owners residing in the house. She noted that an applicant has to annually apply for a business license to operate a rooming or boarding house facility after the Zoning and Building

Inspection Divisions complete an inspection of the premises to determine whether the facility meets the required minimum City code standards. Mrs. Turner noted that in the past the department had not received many complaints. She reviewed the current list of rooming and boarding houses operating in the City and reminded Council that any amendment to the ordinance would require two readings before it is adopted.

At 7:44 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 29, and October 6, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, October 14, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

2. Consider removing the following items from the Harrisonburg Zoning Ordinance:
 - ☐ Section 10-3-39. Uses permitted by right.
(4) Boarding and rooming houses, complying with conditions as defined under Article F, and limited in occupancy by one (1) person per designated bedroom.
 - ☐ Article F. Section 10-3-24. Definitions.
Boarding or rooming house in R-2 zones:
3. Consider amending Section 10-3-46 of the Harrisonburg Zoning Ordinance to include "Boarding and rooming houses, complying with conditions as defined under Article F, and limited in occupancy by one (1) person per designated bedroom" as a use permitted only by special use permit in the R-3 Multiple Dwelling Residential 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.

CITY OF HARRISONBURG
Steven E. Stewart
City Manager

Mayor Eagle called on anyone to speak either for or against amending these zoning ordinances.

Patrick Sweet, a resident living at 488 South Mason Street, stated that he has seen the negative effects of rooming houses increase over the last 20 years. There is a general deterioration of single family homes when converted to rooming houses and a loss of neighborhood feeling. He noted that realtors will not take prospective home purchasers to Mason Street because of the deterioration of some houses. South Mason Street is part of Old Town which is zoned R-2. The neighborhood is more than 90% single family homes. Our medium density single family, sometime two families dwelling, R-2 district is no longer a medium density because of a zoning loop hole which has a negative impact on our neighborhood. The code talks about owner occupancy, but no home owner wants to live with six other renters in a single family house. The lack of private home ownership generates noise, trash, parking and general home deterioration. He asked Council to vote to approve the Community Development decision to eliminate rooming houses from R-2.

Dan Clements, a resident living at 520 South Mason Street, noted that C.E. Mason in 1916 built his house. Mr. Mason greatly contributed to the development of downtown Harrisonburg and was the first president of Rockingham National Bank. With great respect for the effort of Mr. Mason and his family and for this City, we have gladly welcomed the opportunity to invest most of our time, monies, and talents in restoring and maintaining this beautiful old home. However, we do expect respect from the City enforcing regulations on apartment type buildings in our midst and maintaining a respectable family oriented neighborhood. He said that families living in Old Town have pride in their individual homes and the neighborhood. Students or absentee landlords may not share these virtues. It is time to protect our history and our homes and keep families in Old Town. We are not anti students nor anti apartments, but we are pro heritage, pro neighborhood, pro family, pro supportive of existing rules and regulations and pro abolishment of boarding houses.

Kelly Sweet said that boarding and rooming houses have been part of Old Town for quite awhile. Perhaps some members of Council remember one such house run by Jack Marsh's mother on Franklin Street in 50's and 60's. These houses were well groomed and maintained residents, where the owner widow served hot meals and locked the door in the evenings. At that time home owners owned one car, not several and usually the boarders, students, or undergraduates did not own any cars. That was the original boarding house and the use for which it was intended. Once James Madison University grew, there was a need for off-campus housing. Old Town became a growing area for students' apartments. Old Town has shifted back to a family neighborhood. The majority of student housings have gone out to Port Republic Road and to pockets on South Main Street and South Avenue. Let's end the abuse of the boarding house designation and let students have the quality housing that they do deserve in another section of the City.

Jerry Coulter, a resident living at 492 South Mason Street, stated that his house was built in 1903 and that he has lived there for 27 years. The neighborhood is deteriorating because of rooming houses. It is not an anti student proposal, but part of the problem is lack of enforcement by City officials. He mentioned that an apartment house located at 493 South Mason Street has always been an apartment house, but it is in a sorry state of repair. They hold parties three times a week at this house and there is not adequate off street parking. It becomes apparent to us in Old Town that rooming and boarding houses are very incompatible with a residential neighborhood. He encouraged vigorous enforcement of the regulations that already exist in the City.

A JMU student stating that he was an owner of a boarding house on Mason Street commented that the amendment was against students despite residents' claims to the contrary. "I hear a lot of things about density. I hear a lot of things about this and that, but do you know what it comes down to?

It's the City against the students. It's just not fair that we shouldn't have the right to exist where we want to. We're American citizens." There being no others desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session reconvened. Discussion included the many properties that are zoned R-2 in the City, duplexes housing eight residents without an owner living in the house, lack of enforcement, talking to your neighbor about the problem, parking and whether Planning Commission had ever considered allowing boarding houses by a special use permit within the R-2 zoning classification. Planning Commission Chairman Whitten acknowledged that Planning Commission had discussed that particular option. Planning Commission had discussed that with regards to density and property of zoning and planning, that as a zoning and planning issue, density was the main concern. She also noted that while it is true that in a duplex use you may have eight residents, it also true that you must have a much larger lot and dwelling. There are also some parking requirements with a duplex; however, there are no parking requirements applied to boarding houses. Planning Commission decided that it is very inappropriate for R-2 zoning. Following further discussion and comments, Council Member Rogers offered a motion to support Planning Commission's recommendation for a first reading. The motion was seconded by Council Member Green, and approved with a recorded three to two vote with Mayor Eagle and Vice-Mayor Lantz voting no.

Planning and Community Development Director Turner introduced a request by Brentwood Investment Company (Hampton Inn) for a special use permit. She explained that this request for a special use permit would allow Hampton Inn to attach six PCS antennae on the roof. CFW Wireless will operate the communication equipment. This property is zoned B-2 General Business District and uses of this type are permitted within the B-2 district. The land use guide recommends the site for commercial use. The applicant has indicated that the antennae will extend 12' above the finished roof elevation. However, the Hampton Inn has a decorative metal parapet that extends about 9'4" above the finished roof, which means that only about 2'8" of the antennae would be visible. CFW has asked that the antennae be allowed to extend the maximum of 6' above the top of the parapet wall to receive a clear strong signal as needed. Staff does anticipate that more of these types of requests and uses will be requested in the future. It is a much better alternative to accommodate these requests on existing buildings instead of building new structures to support them. She said that Planning Commission unanimously recommended approval of this request and did not set any specific conditions with the special use permit.

At 8:12 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 29, and Monday, October 6, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, October 14, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

2. **Consider request by Brentwood Investment Company (Hampton Inn) for a Special Use Permit to locate 6 PCS antennae operated by CFW Wireless on the roof of an existing building located at 85 University Boulevard.**

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 to speak either for or against this special use permit.

Larry Ryan with CFW wireless stated he is available for any questions the Council might have regarding the request. There being no others desiring to be heard, the public hearing was declared closed at 8:14 p.m., and the regular session reconvened. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve locating a maximum of six (6) PCS antennae at a height not to exceed seven feet above the parapet wall. 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 to amend Section 10-3-85 of the Harrisonburg Zoning ordinance. She explained that the current zoning ordinance does not permit automobile dealerships or auto repair establishments in the B-1 Central Business District. This proposal would amend a section of the zoning ordinance B-1 Central Business District classification to allow as a special use permit automobile or truck sales, service and repair, but not auto salvage or sale of junk. In addition, such lots must be served by a permanent building facility unless clearly incidental to an existing building. She explained that a member of City Council had questioned whether they permitted car dealerships in the downtown zoning classifications. They explained that they did not permit an automobile dealership use in the B-1 Central Business District. It was decided to suggest adding it in as a special use permit item because some existing businesses might want to remodel, make additions or renovations. A special use permit option would provide all existing car dealerships and auto shops with the opportunity to expand their businesses and would provide greater flexibility to new businesses seeking to locate in the downtown area. She said that Planning Commission unanimously recommended amending Section 10-3-85 as a special use item of the zoning ordinance.

At 8:23 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 29, and Monday, October 6, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, October 14, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

1. Consider amending Section 10-3-85 of the Harrisonburg Zoning Ordinance to include the following as a use permitted only by special use permit in the B-1 Central Business District:
"Automobile or truck sales, service and repair but not auto salvage, storage, or sale of junk. In addition, such lots must be served by a permanent building facility unless clearly incidental to an existing building."

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 to speak either for or against amending this zoning ordinance. There being no one desiring to be heard, the public hearing was declared closed at 8:24 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve for a first reading amending ordinance 10-3-85 of the Harrisonburg City Code. 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 by Joe Bowman Chevrolet for a special use permit. She explained that this is the first special use permit request for the proposed amending zoning ordinance 10-3-85 to allow automobile dealerships in the downtown zoning classification. Joe Bowman Chevrolet would like to add additional office space for the car dealership. They would like to install a modular unit at the rear of the existing showroom which would be a minimum of 45' from Water Street. It is zoned B-1 Central Business District zoning classification. There is a mixture of B-1 Central Business District and B-2 General Business District surrounding this site. All commercial uses surround it and the Comprehensive Plan does recommend the site for commercial use. Joe Bowman Chevrolet has been in operation on the site for a number of years and is a growing business. Planning Commission recommended approval of the special use permit.

At 8:26 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 29, and Monday, October 6, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, October 14, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

1. Consider request by Joe Bowman Chevrolet for a Special Use Permit to locate an additional structure at the rear of property located at 237 East Market Street. The structure will serve the existing automobile dealership. The property is zoned B-1 Central Business District and is identified as parcel 26-A-7 on the City of Harrisonburg Block maps. Consideration of this request is contingent upon approval of the amendment of Section 10-3-85 of the zoning ordinance, which is also scheduled for Public Hearing on October 14.

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 to speak either for or against this special use permit.

Hank Dunton, Parts and Service Director for Joe Bowman Chevrolet, stated that he was present to answer any questions that Council might have. There being no others desiring to be heard, the public hearing was declared closed at 8:27 p.m., and the regular session reconvened. Mayor Eagle noted that no action would be taken until Section 10-3-85 of the zoning ordinance has been amended.

Planning and Community Development Director Turner noted that at the last Council meeting a request had been presented for Willow Hills Subdivision, Unit 4A at the end of the existing Willow Hills Drive. The developer had requested a variance to waive the requirement for sidewalks that is part of the City's Design and Construction Standards Manual. It had been requested by Council for Planning Commission to review the need for sidewalks. At that Council meeting, they had also discussed required street widths to continue receiving VDOT maintenance funding and indicated that perhaps the issue of street width and sidewalk went hand in hand. Mrs. Turner noted that they had reviewed the issue and they discovered in October 1995 that street width

and sidewalks had been discussed. In 1995, it was decided to take a certain subclass of local streets, subclass A which are cul-de-sacs and streets of fixed generation traffic and allow those to be narrowed to 30 feet if the developer was willing to restrict parking to one side. They recommended at the time due to public safety concerns and the desire to allow parking on both sides of all streets to recommend staying with the 34 feet (face of curb to face of curb) requirement for other streets. Some other communities were also surveyed and she reviewed the results of the survey. She said that Planning Commission recommended reducing street width to 30 feet (face of curb to face of curb) for local subclass A and B streets and not restricting parking to one side of the street. It is also recommended that sidewalks continue to be required for these streets. Local subclass C and D street widths recommended remaining 34 feet of pavement (face of curb to face of curb) with sidewalks continuing to be required. She also noted that the developer for Willow Hills, Kirk Hardy, withdrew his request to receive a variance for sidewalks. After he withdrew that variance request, Planning Commission approved his subdivision and because it does not involve any variances it does not need to come back to City Council. Council Member Rogers offered a motion to approve Planning Commission's recommendation as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

James Sipe, Attorney for the Harrisonburg Redevelopment and Housing Authority, explained that HRHA wants to issue refunding bonds to refinance \$8.5 million for the Mallside Forest Apartments project in Albemarle County. The bonds will not be an obligation of the City nor impact the City's debt limit. Vice-Mayor Lantz 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.

City Manager Stewart presented a request to approve matching funds for the Edward Byrne Memorial Fund. He explained that this is a joint request from the City of Harrisonburg and Rockingham County. This grant will provide for coordinating resources, gathering data and providing staff for making grant applications for criminal justice activities. Initially, the grant would be used to contract for preparation of a regional biennial plan for the regional jail, community corrections and juvenile justice. The grant would then fund a criminal justice planner position. The City and County are required to provide a 25% match. The City's share is \$4,262. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Police Chief Harper presented a brief report on the current and future staffing needs of the Harrisonburg Police Department. He noted that the report focused on Police Department Staffing, staffing compared to other departments, the cost of new Police Officer positions, the cost of a take home cruiser program, feasibility of a Police Substation at the Valley Mall, and technology. He suggested starting the take home cruiser program perhaps as a pilot program. If a substation was established at the Valley Mall, he suggested starting with limited coverage; however, he noted that Valley Mall security does not have any arrest powers. He mentioned that one important thing happening in law enforcement now is technology. Communication is also really important in the law enforcement community. Council Member Rogers thanked Colonel Harper for his report and asked several questions regarding the numbers of patrol officers assigned to particular cases, patrol officer's on-duty hours, and man hours involved in major unsolved cases.

City Manager Stewart presented a resolution regarding the approval of transfer of the cable television franchise from Warner Cable Communications to Adelphia Communications Corporation. He explained that Warner Cable and Adelphia have filed the appropriate documents with the Federal Communication Commission concerning the transfer of ownership. The City Attorney has revised a draft resolution to approve the transfer of the franchise agreement. Adelphia has agreed to accept all the terms and considerations of the franchise agreement that currently exists between the City and Warner Cable. The term of the franchise agreement will expire 2002. Vice-Mayor Lantz 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.

Council Member Rogers offered a motion to approve the request from Downtown Harrisonburg Retail Merchants Associates to hold the Christmas parade on Friday, December 5, 1997 at 7:00 p.m. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a resolution regarding Health Insurance Fund. He explained that this resolution authorizes the placement of funds from Trigon as a result of its demutualization into the City's Health Insurance Fund to offset current and future premium expenses. Council Member Rogers offered a motion to approve this resolution as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Byrd offered a motion to approve the cancellation of the December 23 Council meeting and to move the December 9 meeting to December 16. In addition, the motion included holding a Council meeting on November 11 which is on Veteran's Day. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds to pay the Treasurer's turn over audit. The City's current Treasurer, Beverly Miller, will be retiring as of December 31, 1997 and the state law requires that a turn over audit be conducted. The current 1997-98 budget goes not contain funding for the Treasurer's turn over audit. This transfer will not increase the total amount of the 1997-98 budget. Council Member Green offered a motion to approve the transfer of these funds.

\$850.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$850.00 approp. to: 1000-120811-43120 Accounting and Auditing

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

City Manger Stewart presented a request to authorize the firm of Phibbs, Burkholder, Geisert and Huffman, LLP to perform the Treasurer's turn over audit at December 31, 1997. The purpose of this audit is to determine the accountability of the treasurer at December 31, 1997. 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 announced that a new police substation on Hawkins Street would open on October 15, 1997.

Assistant City Manager Baker presented an updated report on construction of the two soccer fields. He said that grading and spreading top soil on both fields had been completed. Some final grading will begin on the top soil preparing it for sod. Bids have been received for the sod and irrigation system. Harrisonburg Electric Commission is in the process of providing power to the well site. It is hoped to have grass taking root before Winter.

Council Member Rogers requested some clarification on the report received from the Chief of Police. Council Member Green suggested that perhaps Council needed some time to review the report.

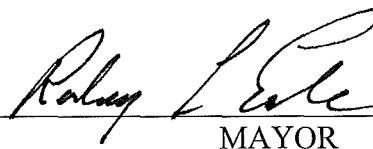
Diane Hand expressed some concerns that the City needed more trained Police Officers.

At 9:22 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and evaluation of two City departments, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purpose, namely, economic development, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:27 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.

At 10:28 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

OCTOBER 28, 1997

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.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading or an ordinance amending and re-enacting Section 10-3-85, 10-3-24, 10-3-39, and 10-3-46 of the Harrisonburg City Code. The motion was seconded by Council Member Byrd, and approved with a four to one vote with Mayor Eagle voting no.

✓ Planning and Community Development Director Turner introduced a request from Stone Springs Limited Company to rezone approximately 2.497 acres from M-1 to B-2. She explained that the property located at 1890 and 1920 South Main Street is currently used as office space by Cline Energy and an asbestos removal business is located in the basement of the building. However, use of the property as office space is nonconforming under the M-1 Industrial zoning classification. She also noted that Cline Energy is interested in remodeling a portion of the property that is unoccupied for other offices or commercial uses. Cline Energy has removed heating oil storage tanks from the site and that has changed the primary use of the property from industrial to office. The Comprehensive Plan recommends the site for commercial development. Planning Commission held a public hearing and she said that no one spoke in opposition to rezoning the property to B-2. The applicant has submitted a Plan of Development indicating the intended use of the property; however, the plan is not a list of proffers, but specifies and explains the purpose of the rezoning request. The applicant intends to renovate and remodel the interior of the existing structure for commercial use. They would not alter the exterior dimensions of the structure. Any future development of the property would be consistent with B-2 zoning classification. She noted that the surrounding uses in this area of South Main Street are on the commercial side rather than on the industrial side. Planning Commission unanimously recommended approval of the rezoning request.

At 7:40 p.m., Mayor Eagle closed the regular session and temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 13, and October, 20, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, October 28, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING

1. Consider request by Stone Springs Limited Company to rezone approximately 2.497 acres located at 1890 and 1920 South Main Street from M-1 General Industrial District to B-2 General Business District. The property is identified as parcels 5(B)3, 3A, 4, 6, and 7 on the City of Harrisonburg's Block maps. The Comprehensive Plan recommends the site for commercial use.

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 to speak either for or against this rezoning request.

James Sipe, representative for the applicant, stated that he had nothing to add as all the background information had been presented. He noted that Cline Energy had removed the heating oil storage tanks from the site. They had received letters in support of the rezoning request from Valley Blox and Rockingham Heritage Bank. 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 Green offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ J.L. Hopkins appeared before City Council to express his concern regarding a dangerous intersection at Devon Lane and Port Republic Road and suggested that a traffic light should be installed. He explained that unless something isn't done quickly on Port Republic Road to alleviate the problem of getting on and off Port Republic Road, someone is going to get killed or injured. Making left turns onto Port Republic Road is impossible at times. He mentioned that there are probably four or five wrecks a week, some not even reported. He reviewed the traffic pattern of cars exiting I-81. The posted speed limit is 35 mph; however, he noted that most cars travel at 10 mph over the posted speed limit. The City is collecting \$665,000 in real estate taxes and he suggested that some of the money be used to install a stoplight. He noted that in recent weeks a police cruiser and many private vehicles have been damaged. Many City transit buses enter Squire Hill, Fox Hill, College Park and Ashby Crossing every day to pick up JMU students. Also, he noted that it is very dangerous for the students walking and riding bicycles on Port Republic Road and suggested that sidewalks should be installed at least on one side of the highway. In addition, he said that if the City

was willing to install sidewalks on both sides of the dangerous highway, then he would donate the land that he owns next to the road to the City. Mayor Eagle noted that traffic problems at this intersection have been discussed often. Council Member Rogers suggested that perhaps installing a light at the top of the hill might help with the problem at the bottom of the hill. City Manager Stewart noted that a Transportation Safety Commission study indicated that a signal at this intersection is not necessary now. Once the Neff Avenue Extended is completed from Reservoir Street to Port Republic Road in June of 1998, the traffic patterns along the Port Republic corridor will change. The study also noted that the impact of this new roadway should be experienced before other extensive and expensive traffic controls are installed. Council Member Rogers suggested that perhaps a public/private partnership might help speed up the matter since Mr. Hopkins was willing to donate his land. Mr. Hopkins responded that if the sidewalk was on his side of the highway and was improved to four lanes he might be willing to consider the matter. City Manager Stewart commented that VDOT had recommended that the installation of a traffic signal at Forest Hill Road and Port Republic Road be delayed until Neff Avenue Extended was completed. In addition, VDOT expressed that the proximity of the Forest Hill's intersection to the interstate made it a real problem for stacking purposes. Mr. Stewart also noted that there is a potential for sidewalks to qualify for an ISTEA grant.

Planning and Community Development Director Turner introduced a request by Joe Bowman Chevrolet for a special use permit. She explained that a public hearing was held on October 14 to consider the special use permit request. Joe Bowman Chevrolet would like to add additional office space for the car dealership. They would like to install a modular unit at the rear of the existing showroom which would be a minimum of 45' from Water Street. City Council approved amending ordinance 10-3-85 for a first reading at its October 14 meeting to allow automobile dealerships as a special use permit in the B-1 Central Business District zoning classification. The second reading amending the ordinance was approved on Council's consent agenda tonight. She also noted that Planning Commission had recommended approval of the special use permit. Council Member Byrd offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented an agreement with the Virginia Department of Transportation for approval. This agreement provides for a \$1,000,000 contribution from VDOT toward the cost of the Reservoir Street bridge project. He explained because of the proposed widening of I-81, VDOT has asked the City to increase the length of the proposed bridge replacement and to provide sidewalks on both sides. VDOT will assure responsibility for maintenance of the bridge upon project completion. Vice-Mayor Lantz offered a motion to approve this agreement with VDOT as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration amending certain sections of Chapter 4 of the Harrisonburg City Code. He explained that the City Attorney had been asked to prepare an amendment to the City Code which would delete the 30% commission that is currently being paid to the Collector of Delinquent Taxes. City Attorney Thumma commented that the ordinances as they exist in the charter are legal now and have always been legal in the past. The charter which was originally enacted by the General Assembly under the Constitution of Virginia

states that the City shall appoint a Collector of Delinquent Accounts. He advised that the City's charter provision will always prevail unless there is an indication somewhere within the general law that the charter provisions are not valid. The City's charter controls what prevails in this issue. When City Council has a re-organizational meeting, it appoints the officers as set forth in the charter and one of those appointments is the Collector of Delinquent Taxes. Mr. Thumma said that the Collector of Delinquent Taxes has always been the Treasurer and the Treasurer has collected those taxes pursuant to the ordinances adopted by City Council. He advised that no illegal activity has ever occurred and the existing ordinances are perfectly legal and binding. "I think nothing has been done wrong or illegal." He said that he had prepared an ordinance that takes the existing ordinance relating to the collector of delinquent accounts and removes the 30% commission, but the charter will remain the same. He reviewed the procedure for changing the charter by the General Assembly. Council Member Rogers thanked City Attorney Thumma for his comments and stated that he needed more information to study this issue before making a decision. He suggested that information associated with the cost of hiring someone to collect the delinquent taxes and how other localities handle the collection would be helpful. Let's have a plan and take some more time to study the issue since the proposed ordinance change will not go into effect until January 1, 1998. Council Member Green commented that changes have been discussed before by City Council, but not acted upon. He said that he had discussed the procedure with some other localities and discovered that it could cost more money to hire attorneys or an outside collection agency to collect the delinquent taxes than the current commission that is being paid. "I don't think you ought to change something just for changing it. I think you can do something to really help the public." He suggested several changes in the City's method of tax billing, advertising deadlines for filing personal property tax, and reducing the cost of mailing duplication of notices. Mayor Eagle commented that they should address this issue now since the Treasurer would change January 1, 1998. He noted that in 1994, City Council had discussed this issue but tabled it. He also commented that he was not aware when he took office that the Treasurer's office collected the 30% commission that is currently being paid to the Collector of Delinquent Taxes. He said that they should eliminate the 30% commission at this time and the issue should not continue to be tabled. If the treasurer employees' salaries need to be adjusted, then they should study it. The state sets the treasurer employees' salaries. Vice-Mayor Lantz commented that changes occur in every type of business or industry. Since this ordinance has been in effect for 65 years, the reason that they put it into effect years ago may no longer apply today. "I definitely think we need to look at it and there needs to be some changes." He also noted that he had not been aware treasurers' employees were doing the work to collect delinquent taxes during business hours. He suggested delaying the change for a couple of weeks and to possibly study the way the City notifies taxpayers about billing. Nevertheless, he said changes did need to be made. Following further discussion and comments. Council Member Rogers offered a motion to appoint Council Member Green and City Manager Stewart to head a committee to study the issue and come up with a plan. The motion was seconded by Vice-Mayor Lantz, and approved with Council Member Green, Vice-Mayor Lantz, and Council Member Rogers voting to table the issue until a plan was presented, Council Member Byrd abstained and Mayor Eagle voted no.

A resident of Waynesboro commented that he was glad to see a City Council saying a prayer and pledging allegiance to the flag. He said that he hoped the citizens recognized that being City Council members takes a lot of time and effort. He made several comments regarding the upcoming elections, elected officials being honest and being aware of what is going on in the community.

Assistant City Manager Baker presented a brief report on soccer fields. He explained that the soccer fields are prepared and ready for placement of the sod. Once the pump for the well arrives they will install it for the irrigation. If electricity is not provided to the site by the time the pump is installed, a generator will be used to provide water to irrigate the sod. He also noted that the project is ahead of schedule and under budget.

At 8:38 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 Harrisonburg Parking Authority, Parks and Recreation Commission and Harrisonburg Electric Commission and the evaluation of two City departments, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purpose, namely, economic development, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 10:00 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following 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 Rogers offered a motion for the following people to be appointed to these Boards and Commissions: James C. McHone to a second term on the Harrisonburg Parking Authority to expire on November 28, 2002; Lorenzo "Sam" Knight to a second term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2001; W.R. Dick Fleming to a second term on the Harrisonburg Electric Commission to expire on December 31, 2000, and Paul S. Cline to a first term on the Harrisonburg Electric Commission to expire on December 31, 2000. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 10:02 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

NOVEMBER 11, 1997

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 setting a public hearing date of November 25, 1997 to consider the proposed Capital Improvement Program (CIP). The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

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

RESOLUTION

WHEREAS, Friendship Industries, Inc., an employment training enterprise providing training, employment and community job opportunities for persons with disabilities and other economically and vocationally disadvantaged individuals, plans to construct a new industrial facility of approximately 40,000 to 42,000 square feet; and

WHEREAS, the construction of a new industrial facility by Friendship Industries, Inc., will allow the organization to respond to the growth in the need for employment services for persons with disabilities; and

WHEREAS, the population directly served by Friendship Industries, Inc., has grown to more than 120 persons per year; and

WHEREAS, the commercial billings of Friendship Industries, Inc., has grown from less than \$400,000 to more than \$1,400,000 in just three years; however, the amount of work that can be produced, the number of people that can be trained and employed and the self-sufficiency possible for Friendship Industries, Inc., is thwarted by the limited physical facilities now available to its operation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that said Council does recognize the vital role that Friendship Industries, Inc., plays in our community in providing employment, training and job opportunities for persons with disabilities; and

BE IT FURTHER RESOLVED that said Council does hereby applaud the ability of Friendship Industries, Inc., to dramatically increase its commercial billings by more than a factor of three in just three years; and

BE IT FURTHER RESOLVED that said Council does hereby enthusiastically endorse and support the plans of Friendship Industries, Inc., to construct a new industrial facility in order to meet the growing needs for providing the aforementioned services to persons with disabilities in Harrisonburg and Rockingham County.

Given under my hand this eleventh day of November in the year one thousand nine hundred and ninety-seven, A.D.

Rodney L. Eagle, Mayor

Attest:

Yvonne Ryan, CMC
City Clerk

George Homan representing Friendship Industries stated that he was appearing before City Council to request support of the resolution for the construction of a new facility. He explained that constructing a new facility will allow the organization to respond to the growing needs for providing employment to persons with disabilities in Harrisonburg and Rockingham County. A larger facility will also allow the organization to explore some new grant revenue processes. Council Member Rogers offered a motion to approve the resolution. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Hugo Kohl representing First Night Harrisonburg requested support for the festival by closing certain downtown streets and approving the fireworks permit. He explained that the request is consistent with last year's street closings and the fireworks display will be the same. Council Member Rogers offered a motion to approve the request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Council Member Green presented a brief report on personal property taxes. He explained that the committee which has met twice is attempting to make the filing and payment of taxes as simple as possible for the taxpayer, while trying to reduce confusion over tax payment deadlines and hopefully reduce delinquencies. They are trying to set a filing date and/or method with which the public can more readily comply (possibly associated with the issuance of decals) and coordinating a payment schedule - possibly twice a year with the real estate taxes. He noted that these changes are an effort to reduce penalties necessitated by failure to comply and thus make the collection of delinquent taxes less of a problem and returning the position of collector to the normal function of

the Treasurer's office. He said that the City Attorney will prepare the proposed changes to the code which will be on the November 25 City Council agenda.

✓ Jim Triplett representing the School Board presented a request for a supplemental appropriation from unanticipated receipts from Federal and State revenue sources. He explained that these funds will be used in Vocational Education, Immigrant Education, Title VI for library books and supplies, Safe and Drug Free School Implementation, Special Education, and At-Risk 4 year olds. This supplemental appropriation requires no new local dollars. Council Member Green offered a motion to approve this request for a first reading, and that:

\$ 1,960.00 chge. to: 111114-32442 School Revenue - State
19,930.00 chge. to: 111114-33301 School Revenue - Federal

\$21,890.00 approp. to: 111114-40610 Instruction

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

✓ City Attorney Thumma introduced a request to amend Sections 4-2-87, 4-2-88 and 4-2-89 of the City Code. He explained that these proposed changes in the meals tax ordinance would clearly define meals that can be taxed. The ordinance now imposes the tax on food items sold by restaurants, but does not define food items. Mr. Thumma noted that the amended language will change from food items to meals as defined in the ordinance. Council Member Green offered a motion to amend Section 4-2-87, 4-2-88 and 4-2-89 of the City Code for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ Assistant City Manager Baker presented a brief report on soccer fields. He explained that the contractor has started installing the electrical wiring in preparation for the pump. The fields are basically ready, the parking lot has been graded and graveled, and the road into the site is finished. At the present, it is too wet to cut sod; however, the sod will be in place by next Spring.

At 7:50 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and evaluation of two City departments, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney pertaining to an existing and proposed agreement, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, namely, economic development, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

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

REGULAR MEETING

NOVEMBER 25, 1997

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 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 the second reading of an ordinance amending and re-enacting Sections 4-2-87, 4-2-88 and 4-2-89 of the Harrisonburg City Code. The motion also included the second reading for supplemental appropriation from unanticipated receipts from Federal and State Revenue sources. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver, presented a resolution for Council's consideration authorizing the issuance of bonds to refinance the City's outstanding obligation to the Virginia Retirement System for the 1991 Early Retirement Incentive Program for the Harrisonburg City Schools. She explained that these bonds were financed at a 8% interest rate in 1991. The City has an opportunity to refinance these bonds at a 6.98% interest rate through Crestar Bank. If paid by January 30, 1998, this outstanding obligation to the VRS would be \$1,504,231. Of that obligation, the School Board has already budgeted \$161,993 leaving a remaining balance of \$1,342,238. She noted that now is the time to maximize the savings and reviewed the refinancing procedure. At 7:37 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. There being no one desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Green requested clarification of the right of anticipation payment. Ms. Perry responded that for the first five years of the 15 year term, in order to achieve a more favorable interest rate, the City has no right of pre-payment. She also explained that during the next ten years if interest rates dropped and the City wanted to pre-pay the interest rate differential, Crestar would assess charges against the City. In order to achieve this lower interest rate, the City would give up the right of pre-payment for the first five years plus a penalty. City Manager Stewart noted that these are taxable bonds. Following further discussion and comments, Council Member Rogers offered a motion to approve this resolution for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

At 7:50 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, November 15, and Saturday, November 22, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, November 25, 1997, 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 year 1998-99 through 2002-2003. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$25,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvements needs over a subsequent five-year period.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday - 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.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Planning and Community Development Director Turner presented the 1998-99 through 2002-2003 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a five-year schedule of capital projects defined as being \$25,000 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. A new communication base system for the Police Department and the replacement of carpet in the Community Development Building are included in this report. New to the program are the following: the Water Street bridge, a new paint truck, and the widening of Park Road, a project for which Eastern Mennonite University has offered matching funds. She mentioned that the 1999-2000 Capital Improvement Program includes the Port Republic Road bicycle/pedestrian facility, a new traffic signal at Port Republic Road & Devon Lane, and possibly a new traffic signal at Country Club and Keezletown Road in 2000-2001. The Parks and Recreation Department involves acquiring land to access Hillandale Park from Garbers Church Road, paving the parking area at Hillandale & Westover Park, and resurfacing basketball courts at Purcell, Ralph Sampson and Morrison Parks. Mrs. Turner said that new projects for the Water and Sewer Department include providing water and sewer to the Smithland Road area, Shenandoah Dam portage, Forest Hills water improvements, Park View water improvements, and water tank rehabilitations. Also included are sewer improvements in the Smithland Road area and rehabilitating the Shandshill Pump Station. The Transportation Fund includes continuous replacement of transit and school buses and resurfacing the parking lot at the Transportation Department. There are several new projects in the Sanitation Fund. These include a building upgrade of the Resource Recovery

facility, purchasing a loading crane, replacing an exhaust stack, rebuilding waste boiler #1 and #2, testing air pollution control system, replacing a tire grinder, rebuilding the water system, and replacing the truck scales. Colin Owens, representing the City schools, stated that the School Board had adopted these projects, including renovation and repair work at the three older elementary schools, acquisition of land for a seventh unidentified school, and air-conditioning the field house at the high school. Mrs. Turner said that the Planning Commission reviewed the CIP projects at its October 29 meeting and recommended approval. There being no one desiring to be heard, the public hearing was declared closed at 8:07 p.m., and the regular session reconvened. Discussion included the projection of Harrisonburg High School enrollment of 1,000 students, an increase in kindergarten classes, and a seventh school in the City. In addition, discussion included contributions from other groups to help pay for sidewalks on Park Road, perhaps a public/private partnership with Mr. Hopkins to consider sidewalks on Port Republic Road to help with the safety of JMU students, and the many transit buses being used to move JMU students back and forth from the campus. Public Works Director Baker made several comments regarding City bridges including the annual bridge inspection, long-term use renovation to some of the bridges, railroad responsibilities and the railroad wanting the Grace Street crossing closed to traffic. 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.

Brenda Spencer presented a brief report on the Virginia Juvenile Community Crime Control Act. She explained that localities throughout the Commonwealth became eligible to receive state money without a local match by the act of the legislators to provide funding for community based services to juveniles who come before the court. The amount of money allocated to each locality was based on the 1995 statistic compiled by the Virginia State Police. The plan calls for Rockingham County and Harrisonburg to collaborate under this act, with the City serving as the fiscal agent. In the first year of the biennium 1997, the combined total fund was \$69,434. In January of 1997 the state increased the amount for both jurisdictions to a total of \$140,962. She reviewed how the funds are being used including hiring additional staff members, intensive out-patient substance abuse treatment, group counseling, family in-house services, individual counseling, sex offender treatment programs, and substance abuse testing. All of these services will continue into the next fiscal year.

City Manager Stewart presented a request for a Children's Parade to be held on May 17, 1998. He explained that a children's parade is being proposed for downtown with primary sponsorship from Wal-Mart and Valley Mall. Council Member Rogers offered a motion to approve the parade. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart introduced a request to amend and re-enact Section 4-1-9, Section 4-1-27(c), Section 4-1-29, Section 13-1-15, to repeal Article C, Chapter 1, Title 4 (Sections 4-1-41 through 4-1-45) and to enact Section 4-1-38 of the City Code. Council Member Green explained that the Committee which has met several times is proposing these changes in order to implement the Committee's statement of purpose. The possibility of going to twice per year collection of personal property taxes will continue to be studied. City Manager Stewart noted that the due dates for vehicle decals and personal property listings will be March 31, and the City will use a combined

form for the benefit of taxpayers. The collection of delinquent taxes will be the responsibility of the Treasurer. The section of the City Code related to the Collector of Delinquent Taxes and the commission will be eliminated. City Attorney Thumma reviewed the following changes in the City Code: changing the filing date for personal property from May 1 to March 31, authorizing the Commissioner of Revenue and City Treasurer to use a combined form for filing personal property reports and purchasing automobile decals, making the interest in penalty section in compliance with the state law, and advertising delinquent real estate taxes. In addition, it states that the collection of delinquent taxes will be the responsibility of the Treasurer, eliminates the commission being paid to the Collector of Delinquent Taxes and amends the number of copies being used for the City motor vehicle license. Following further discussion and comments, Council Member Rogers offered a motion to amend, re-enact and repeal these changes in the City Code for a first reading. 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 Harrisonburg Parking Authority. These funds will be used to replace fixtures and bulbs on both City parking decks. The Authority believes that this will increase the visibility on the decks and give an increased comfort level to its users. Council Member Green offered a motion to approve this request for a first reading, and that:

\$13,000 chge. to: 2015-31010 Amount from fund balance

\$13,000 approp. to: 2015-410641-46070 Repairs and maintenance supplies

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

The agenda item regarding transferring funds from Reserve for Contingencies was tabled.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds are from a DMV grant and will be used to reimburse the City for items purchased through our budget. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,384.03 chge. to: 1000-32520 DMV Grant

\$1,384.03 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.

Parks and Recreation Director Logan presented a brief report on soccer fields. She explained that sod had been laid on one field and the pump house has been painted.

Council Member Rogers recognized City Clerk Ryan for becoming a Certified Municipal Clerk. He noted that very few Cities of our size have a certified clerk. City Manager Stewart noted that a brief ceremony will be performed at the next Council meeting to recognize City Clerk Ryan.

City Manager Stewart announced that a VML Regional Legislative reception/dinner will be held December 17 at 5:30 p.m., at the Sheraton Hotel in Harrisonburg. Also, VML Legislative Day is scheduled for February 5, 1998 at 2:00 p.m., in Richmond, Virginia.

Public Works Director Baker said that the Grace Street bridge could not reopen by the November 14 date because contractors found an unexpected problem in the foundation that slowed connection of the sewer line. Another delay came this week when concrete poured on the bridge deck was found not to have set completely. It is anticipated that it will reopen December 5th.

At 9:11 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 Central Shenandoah Planning District Commission and Alcohol Safety Action Program and evaluation of two City departments, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney pertaining to an existing and proposed agreement, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, namely, economic development, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.


At 12:32 a.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.

Vice-Mayor Lantz offered a motion to adopt a resolution by Harrisonburg Electric Commission. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion to approve a transfer from the Reserve for Contingencies following the State Compensation Board's guidelines required in paying for leave in the Treasurer's and Commissioner of the Revenue's offices. The motion was seconded by Council Member Green, and approved with a four to nothing recorded vote with one abstention by Council Member Byrd.

At 12:45 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

DECEMBER 16, 1997

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 Member 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 requested that Item #4e be removed from the consent agenda and considered separately.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending and re-enacting Sections 4-1-19, 4-1-27(c), 4-1-2, 13-1-15 and to repeal Article C, Chapter 1, Title 4 (Sections 4-1-41 through 4-1-45) and to enact Section 4-1-38 of the Harrisonburg City Code. The motion also included the second reading for a supplemental appropriation for the Police Department and appropriating funds to replace the fixtures and bulbs on both City parking decks. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Vice-Mayor Lantz explained that he had requested Item #4e be removed from the consent agenda after Council had received additional information concerning various options regarding the refinancing of the Virginia Retirement System for 1991 Early Retirement Incentive Program for the Harrisonburg City Schools. He said that paying off this debt now could eventually save the City more money than refinancing the loan at a locked-in interest rate. Because interest rates have dropped, it could save the City \$500,000. He noted that "obviously nobody knows for sure what the savings will be, but many top analysts project that interest rates will continue to fall." He suggested using the money out of the City's undesignated fund balance to pay off this loan. He also noted that he had no objection to refinancing this loan at a higher rate; however, he preferred paying off the debt now. Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver, reviewed the procedures for bond replacement. She advised Council that the City must act by January 30, 1998, if it wants to be able to pay off the VRS debt. She said that VRS uses January 30 as the deadline for purposes of calculating interest. City Manager Stewart noted that Council could use funds to pay off the debt out of the undesignated fund balance or a designated project for which funds have already been set aside. However, he noted that unless the money was borrowed later, funding some capital projects over the next year would be very difficult. Following further discussion and comments, Vice-Mayor Lantz offered a motion that Council consider option #3 to pay off the debt today and worry about what would have to be financed when the time comes. The

motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council. A public hearing will be scheduled on January 13, 1998.

✓ Planning and Community Development Director Turner introduced a request from J. Kenneth Kline (property owner), agent for Marion Newkirk, for a special use permit to have a processing and assembly operation in the B-2 General Business District. She explained that the site is approximately 1.3 acres and is owned by J. Kenneth Kline. Mr. Marion Newkirk wishes to operate a book binding, book repairing, and stamping business on the lower level of the Flower's Bakery Retail Store which is zoned B-2. To the north is Rockingham-New Holland Farm Equipment Company, which is zoned B-2. To the south is West Side Auto and Hillandale Park. To the east is Seventh Day Adventist Church and to the west is a paint and wall covering company. The B-2 zoning classification allows by special use permit the processing and assembly operations when not employing more than ten persons on the premises in a single working shift. She noted that Flower's Bakery has indicated to Mr. Kline that this business would not be a conflict with its business. It is expected to generate a small, minimal amount of noise, dust, or odors. The amount of available parking appears adequate to serve the entire building; however, staff advised the applicant to delineate parking spaces to provide for safe and orderly traffic flow. Planning Commission unanimously recommended approval of the rezoning request.

At 8:07 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record Monday, December 1, and December 8, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing Tuesday, December 16, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE:

- 1. Request by J. Kenneth Kline, agent for Marion Newkirk, for a special use permit to have a processing and assembly operation in the B-2 General Business District. The site, located at 611 West Market Street, is identified as parcel 36-P-5 on the City of Harrisonburg's block maps. The Comprehensive Plan recommends the site for commercial use.**

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 to speak either for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 8:08 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this special use permit. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Mayor Eagle relinquished the chair to Vice-Mayor Lantz at 8:10 p.m., and excused himself from the public hearing and exited the Council Chambers due to a personal interest in the matter under consideration. Planning and Community Development Director Turner introduced a request from Willow Development, Inc. to rezone 18.057 acres located at the end of Rocco Avenue from M-1 General Industrial District to R-3 Multiple Dwelling Residential District. She explained that the request is being made to rezone this property to permit future multi-family development of the area. It is located at the end of the existing Rocco Avenue and is adjacent to the existing Park Apartments. She also reviewed the surrounding zoning areas. The applicant has indicated that if the rezoning is approved, they will convey a small strip of land, adjacent to the apartment building site, to help bring them into conformance. The applicant has submitted several proffers including a maximum density of eight (8) units per acre with a landscaped buffer strip built along the western and southern property lines, excluding the FEMA flood plain district. This landscaped area would be next to Harman Enterprises on the west side and screen the proposed R-3 district from adjacent M-1 land. In addition, they also proffered that maintenance of the trees would be the responsibility of the land owner on which the trees set and that the developer for one year would guarantee them. They further specified that the width of the buffer strip will be 20 feet wide and that they would be planted with Leyland Cyprus 30" to 36" tall. Planning Commission unanimously recommended approval of the rezoning request.

At 8:15 p.m., Vice-Mayor Lantz closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record Monday, December 1, and December 8, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, December 16, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING

- 1. Consider request by Willow Development, Inc. to rezone 18.057 acres located at the end of Rocco Avenue from M-1 General Industrial District to R-3 Multiple Dwelling Residential District. The property is identified as parcel 5(D)5 on the City of Harrisonburg's Block Maps. The Comprehensive Plan recommends the site for light industrial use.**

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

Vice-Mayor Lantz called on anyone to speak either for or against this rezoning request. Dick Blackwell, representing the potential owners, stated that he felt the concerns of staff, Planning Commission and the surrounding property owners had been addressed. They will provide buffers, reduce the density, address the floodplain issue, and provide some help with the parking at the Park Apartments. There being no others desiring to be heard, the public hearing was declared closed at 8:16 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present. Mayor Eagle returned to Council Chambers and resumed chairing the meeting.

City Manager Stewart noted that City Clerk Bonnie Ryan has been designated as the City's first Certified Municipal Clerk by the International Institute of Municipal Clerks. Debbie Sutton, President of the Virginia Municipal Clerks Association, commented that it was an honor to recognize City Clerk Bonnie Ryan on her accomplishment in being awarded the designation of Certified Municipal Clerk. She explained that Bonnie joins a group of just over 50 certified municipal clerks in the Commonwealth of Virginia. She commended the City Council on its commitment to providing Bonnie the opportunity to attend professional training and academic development classes through Old Dominion's College of Arts and Letters. The focus of the program is to prepare its membership to meet the challenge of the diverse role of the municipal clerk by improving job performance and recognizing the professionalism of the municipal clerk's office. Mrs. Sutton said, "Bonnie is an outstanding professional and role model for new clerks in our association. I am confident that the members of Council, Harrisonburg citizens, her family, friends and colleagues share in the deep sense of pride that we feel for this outstanding achievement." She further encouraged Bonnie to continue her educational endeavors by participating in the Academy of Advanced Education which is also sponsored by the International Institute of Municipal Clerks through Old Dominion University. Mrs. Debbie Sutton presented a Certified Municipal Clerk's plaque to Yvonne "Bonnie" Ryan, CMC, who has completed the requirement prescribed by the International Institute of Municipal Clerks for certification.

Ken Huffman, a representative from Phibbs, Burkholder, Geisert & Huffman, presented the 1996-97 Comprehensive Annual Financial Report. He said that the office of Auditor of Public Accounts in Richmond had received the Comprehensive Annual Financial Report. Again this year for the third or fourth year the City received an unqualified opinion.

✓ Mayor Eagle relinquished the chair to Vice-Mayor Lantz and excused himself from the room due to personal interest. Planning and Community Development Director Turner introduced a request by Ed Blackwell, agent for G. R. Gordon construction, Inc., for approval of a preliminary plat of Shadow Oaks Subdivision. She explained that the request is to subdivide property located on Reservoir Street consisting of about 1.89 acres into 16 lots, 15 of which would be for townhouses. The property is zoned R-3, Multiple Dwelling Residential District. A frame house and mobile home are currently on the site. To the north of the property is a single family home and to the south a single family home and a small apartment complex. Single family homes are to the east and vacant land sets to the west. Most of the site is covered in grass and there are some large oak trees on the property. She explained that staff supports the layout of the property, but the plan is brought before Council because there is a variance involved in this request. The townhouse lots would not front on a public street, but instead would front on some common areas used as parking. There would be access easements across the common areas and parking areas to the private road which would connect this development to Reservoir Street. It will be maintained by a property owner's association. Snow removal, trash removal, and the school bus concerns have been addressed with the homeowner's agreement. Planning Commission recommended approval. 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 Members present. Mayor Eagle returned to Council Chambers and resumed chairing the meeting.

✓ Planning and Community Development Director Turner introduced a request from Hidden Creek Development to vacate the plat of Hidden Creek, Section 3. She explained that the plat of Hidden Creek, Section 3, was originally recorded on August 3, 1987. It was originally planned for South Dogwood Drive to continue as a through street to Erickson Avenue. Residents of the neighborhood have indicated their desire not to have South Dogwood Drive extend to Erickson Avenue. South Dogwood Drive will be a permanent cul-de-sac. Planning Commission recommended approval of this request. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request for a supplemental appropriation for the Sewer Capital Projects Fund. He explained that these funds include modification of our agreement with VDOT for utility inspections on the West Market Street project. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$80,000 chge. to: 2011-31010 Amount from fund balance

\$80,000 approp. to: 2011-492061-49216 Transfer to capital projects

\$80,000 chge. to: 1322-34230 Transfer from Sewer Fund

\$80,000 approp. to: 1322-911161-48646 VDOT West Market Street construction

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 Police Department. He explained that these funds will be used to cover cost for replacement of a raised floor in communications. Council Member Green offered a motion to approve this request for a first reading, and that:

\$3,200.00 chge. to: 1000-31010 Amount from fund balance

\$3,200.00 approp. to: 1000-310131-48111 Machinery and Equipment

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

✓ City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds were spent on overtime for a DMV grant. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$9,134.79 chge. to: 1000-32520 DMV Grant

\$9,134.79 approp. to: 1000-310131-41020 Salary/Wages Overtime

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

Vice-Mayor Lantz said that he had received a telephone call suggesting that the lane on University Boulevard and 33 East should be made a right turn lane only. It would help alleviate the congestion at this intersection and perhaps the situation should be considered in the future.

City Manager Stewart reminded those Council Members attending the VML Regional Legislative reception/dinner of the December 17 meeting at the Sheraton Hotel in Harrisonburg.

Public Utilities Director Collins announced that 13 bids were received for the North Industrial Sewer project. The contract will be awarded very soon.

At 8:47 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 Planning District Commission, Community Criminal Justice Board, and Alcohol Safety Action Program and evaluation of two City departments, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney pertaining to an existing and proposed agreement, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, namely, economic development and public works, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:23 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.

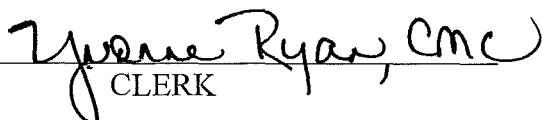
✓ Council Member Green offered a motion that Stacy Turner, Director of Planning and Community Development, or her designee be appointed to fill the unexpired term of Rajat Sarkar on the Central Shenandoah Planning District Commission to expire on June 30, 1998. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:25 p.m., Council recessed the meeting to be reconvened on Tuesday, January 6, 1998 at Mayor Rodney Eagle's house.

✓ At the reconvened meeting of Council held on January 6, 1998 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. Discussion included budget issues, end of fiscal year revenue projections, possible General Assembly personal property tax elimination, school funding, downtown lighting, a cleaner City, additional Police Officers and a possible pilot take home cruiser program. They also discussed many Port Republic Road traffic and safety problems including that perhaps installing a traffic light at the top of the hill might help with the problem at the bottom of the hill, applying for an ISTEA grant, perhaps a public/private partnership with J.L. Hopkins, and the need for sidewalks, bike paths and pedestrian walk paths on Port Republic Road.

At 10:30 p.m., Council Member Byrd offered a motion that Council enter an executive session for discussion and evaluation of two City departments, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, namely, economic development, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 12:20 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR