

REGULAR MEETING

JANUARY 13, 1998

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

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplement appropriations for a DMV grant and drug forfeiture funds for the Police Department. The motion also included the second reading for a supplemental appropriation for the Sewer Enterprise Fund. 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 Monday, January 5, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 13, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following.

It is the intent of the City Council to amend the fiscal year 1997-98 budget by an amount of \$1,342,238.00 in order to appropriate funds to pay off a loan from the Virginia Retirement System for the 1991 Early Retirement Incentive Program for the Harrisonburg City Schools.

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**

City Manager Stewart explained that a public hearing was being held because the budget needed to be amended by more than 1% or one-half million dollars. Council wanted to consider taking reserve funds to pay off the VRS Early Retirement Program debt for the Harrisonburg City

Schools to avoid paying the 6.98% interest rate. The amount of the pay off on the VRS bond is \$1,342,238. City Manager Stewart noted that a first reading would be appropriate for tonight with the second reading on January 27, 1998. VRS must receive payment by January 31, 1998. Mayor Eagle called on anyone to speak either for or against this budget amendment.

Dale Diaz questioned if these funds were surplus or discretionary funds that were being used to retire the debt. She expressed concern whether there would be any changes in future revenue which could cause some problems in the budget. Mayor Eagle acknowledged that he did not anticipate anything and that this is a good business decision. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve amending FY 97-98 budget. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council. Council Member Green noted that the public should be aware that the City may need to borrow funds for capital projects in the next fiscal year budget and that the schools should give credit to the City for retiring this debt because it will lower their debt service in next year's budget.

Miki Shifflett, representing the Chamber of Commerce, presented the "Garbage Collection" award to the City of Harrisonburg. This award and plaque are being presented to the City from the Environmental Concerns Committee for participating in the annual 1997 Spring cleanup. She recognized Mayor Eagle for a commendable job in picking up trash along Route 33.

Council Member Rogers offered a motion to table Item #7 to consider approval of a parade permit until further information can be received. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from retired City Treasurer Miller to charge off delinquent business licenses for 1997. City Treasurer Neal explained that the office has exhausted all forms of collection. Council Member Rogers offered a motion to approve writing off these uncollectable amounts. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Attorney Thumma presented a request from City Registrar Emily Long to amend Section 1-1-13 of the Harrisonburg City Code. He explained that this amendment will add State, General, Gubernatorial, and May Local Elections to the Central Absentee Voter Election District (CAVED) for the City of Harrisonburg to count the absentee ballots. She would like to count these absentee votes for the May election. Mr. Thumma said that after the second reading he will file the amendment with the United States Attorney General office for approval. Council Member Rogers offered a motion to amend 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 introduced a request to enact Section 3-5-9 and 3-5-10 of the City Code. He explained that this ordinance will establish a procedure for employees of the Commissioner of the Revenue and the Treasurer to be subject to the City's personnel policies and procedures, except grievance procedures. If enacted, Council would need to adopt a resolution to implement the ordinance subject to a written request from the Commissioner of the Revenue and the Treasurer. The final approval involves having the employees in the two offices included in the

City's classification and compensation plan. Mr. Stewart noted that the employees in these two offices are and will always be employees of the Constitutional Officers. They are not City employees nor are they state employees. Council Member Green offered a motion that Section 3-5-9 and 3-5-10 of the City Code be enacted for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented for Council's consideration adoption of an ordinance enacting Chapter 5 of Title 10 of the Harrisonburg City Code. He explained that this ordinance will create a technology zone for the City's 23 acre industrial park. He said that City Attorney Thumma has drafted language in the ordinance which provides the definition of a technology business including computer hardware, software or telecommunications sales, leases, and licensing or services. A qualified technology business must employ at least five people and make an investment of at least \$200,000. Under the proposed regulations, qualified technology businesses would be exempt from the payment of business, professional and occupational license taxes and fees imposed by the City for the first three years following the actual location of the business on the property. There will also be a one time waiver of water and sewer hookup fees. Council Member Rogers offered a motion to approve adoption of 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 to transfer funds from reserve for contingencies to pay the interest on a note for the purchase of property. This note was issued after the 1997-98 budget had been completed. Vice-Mayor Lantz offered a motion to approve the transfer of these funds.

\$4,104.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$4,104.00 approp. to: 1000-980142-49134 Warble note

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

✓ City Manager Stewart presented a request to transfer funding for sick leave payment for compensation of employees in the Treasurer and Commissioner of Revenue's offices that are either retiring or assuming a constitutional office. Council Member Rogers offered a motion to approve the transfer of these funds.

\$14,107.50 chge. to: 1000-940111-49310 Reserve for contingencies

\$ 6,160.00 approp. to: 1000-120912-41051 Sick leave upon separation

472.00 approp. to: 1000-120912-42010 FICA

6,943.50 approp. to: 1000-121313-41051 Sick leave upon separation

532.00 approp. to: 1000-121313-42010 FICA

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

City Manager Stewart presented a request to transfer funding between departments. He explained that this will not increase the total budget, but will transfer previously budgeted funds from the City Council to the City Attorney's budget to cover additional expenses of the City Attorney. Council Member Green offered a motion to approve the transfer of these funds.

\$5,000 chge. to: 1000-110111-43130 Management Consultant

\$5,000 approp. to: 1000-120411-43152 Other legal services

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

Taines Rontopoulos expressed concern as owner of a small restaurant in the downtown area regarding the enforcement of a City ordinance on portable signs. He said that small, "little businesses" use knee-high advertising boards on downtown City sidewalks to attract customers." He said that "little" businesses built downtown and I am sure the signs will disappear, but I would hate to see the small businesses disappear." Following further discussion and comments, Mayor Eagle suggested that the City's ordinance should be reviewed by the Community Development Department and possibly the Planning Commission.

City Manager Stewart reminded everyone of the VML Legislative meeting in Richmond on February 5 starting at 2:00 p.m.

At 8:08 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, Community Criminal Justice Board, recommendation for Harrisonburg Board of Zoning Appeals, Industrial Development Authority, Rockingham Extension Leadership Council, Shenandoah Valley Airport Commission, Blue Ridge Disability Services Board, and Alcohol Safety Action Program, 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 a 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 Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:05 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 Council Member Larry Rogers be appointed to another term on the Rockingham Extension Leadership Council to expire on January 1, 2000. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ Council Member Green offered a motion that Joe Bowman, 1155 Rockingham Drive, be appointed to another term on the Shenandoah Valley Airport Commission to expire on January 28, 2001. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:06 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, CMA
CLERK

Robert L. Lantz
MAYOR

REGULAR MEETING

JANUARY 27, 1998

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

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 of an ordinance amending and re-enacting Section 1-1-13, enacting Sections 3-5-9, 3-5-10 and enacting Chapter 5 of Title 10 of the City Code. The motion also included the second reading to amend FY 97-98 budget. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner presented a recommendation from the Planning Commission to amend Section 10-3-24 of the Zoning Ordinance pertaining to hotels, motels, and similar transient housing. She explained that the current definition of hotels, motels, and similar transient housing in the zoning ordinance is a building or group of buildings which are designed to be used or hired out primarily for transient occupancy. She said that the department had recently received an inquiry from a company wanting to construct an extended stay facility in Harrisonburg. An extended stay facility primary is not for transient occupancy, but could be for temporary occupancy. The zoning ordinance defines transient as staying 30 days or less. She mentioned that many hotels and motels in the City house people on a monthly extended basis. Trends in the lodging industry indicate that there is increasing consumer demand for longer term accommodations, especially for business travelers on long-term assignments, and people relocating to the area who need longer stay hotels to fulfill their housing requirements. To bring existing facilities into conformance with the zoning ordinance, and to permit extended stay hotels, staff upon the advice of the City Attorney, proposes the following definition: *A building or group of buildings which are designed or intended to be used or hired out on a daily or weekly basis, primarily for transient or temporary occupancy*. This amendment would bring many existing hotels that are being used for longer-term stays into conformance with the zoning ordinance.

At 7:37 p.m., Mayor Eagle closed the regular session temporarily and called evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 12, and January 19, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 27, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following.

Ordinance Amendment

Consider amending the definition of "hotel, motel, and similar transient housing" contained in Section 10-3-24, of the City of Harrisonburg Zoning Ordinance to read as follows:

Hotel, motel, and similar transient housing: A building or group of buildings which are designed or intended to be used or hired out on a daily or weekly basis, primarily for transient or temporary occupancy.

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

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least 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 proposed amendment.

Mark Callahan stated that he was in favor of the amendment. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Green offered a motion to approve amending this zoning ordinance for a first reading as presented. 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 resolution supporting an application for the Commonwealth of Virginia Transportation Enhancement Program. She explained that Staff is preparing an application to apply for grant funding for a proposed project for construction of bicycle and pedestrian facilities on Port Republic Road from Forest Hills Drive to Devon Lane. The proposed improvements would include a four-foot bike lane inside the curb lane on the highway and a five-foot sidewalk on the south side of Port Republic Road between Forest Hills Drive and Devon Lane. Once the bike lane is in place, there will be a two-foot grass buffer and a surface treated walkway for pedestrians to use. The anticipated projects cost is approximately \$533,164, of which (\$106,633) or 20% must be funded by the City. Staff is currently working with a property owner in the area who has indicated that he may be willing to donate some right-of-way to this project. This could reduce the City's share of the funding by \$11,500.

At 7:42 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 Thursday, January 22, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 27, 1998, at 7:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 345 South Main Street, to receive comments on an application for the Commonwealth of Virginia Transportation Enhancement Program. The proposed project is "Port Republic Road Bikeway and Pedestrian Facility" for construction of bicycle and pedestrian facilities on Port Republic Road from Forest Hills Drive to Devon Lane.

Maps and other information are available for review in the Department of Planning and Community, 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 Director of Planning and Community Development at least five (5) days prior to the time of the meeting.

Stacy Turner

Director of Planning and Community Development

Mayor Eagle called on anyone present to speak either for or against this application for the Commonwealth of Virginia Transportation Enhancement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Council Member Rogers questioned if the private property owner would be recognized for his donation of the right-of-way land. Mrs. Turner replied that the donation would be recognized. City Manager Stewart noted that the earliest the City might expect the grant money, if approved, would be in the fall of 1999. Council Member Rogers offered a motion to support this resolution. 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:

A RESOLUTION TO INCLUDE EMPLOYEES OF THE COMMISSIONER OF THE REVENUE AND TREASURER IN THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND THE POLICIES AS SET FORTH IN THE PERSONNEL POLICY MANUAL

WHEREAS, the Commissioner of the Revenue and Treasurer of the City of Harrisonburg, Virginia have requested that their employees be included in the City's Classification and Compensation Plans and further subject to the policies as set forth in the City's Personnel Policy Manual, and have agreed to such inclusion; and

WHEREAS, the City Council finds that it is in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia, that pursuant to the provisions of Sections 3-5-9 and 3-5-10 of the Harrisonburg City Code, the employees of the Commissioner of the Revenue and Treasurer of the City of Harrisonburg, excluding the Commissioner of the Revenue and Treasurer, be, and they are hereby, included in the Classification and Compensation Plans, and subject to the City's Personnel Policy Manual; and

BE IT FURTHER RESOLVED that such inclusion of these employees shall not constitute inclusion in the City's grievance procedure; and

BE IT FURTHER RESOLVED that such inclusion shall be contingent upon acceptance in writing of the terms of this resolution by the Commissioner of the Revenue and Treasurer; and

BE IT FURTHER RESOLVED that such inclusion shall become effective as of February 1, 1998, and shall remain in effect until amended or discontinued by Council, or until discontinued by the Commissioner of the Revenue or Treasurer.

ADOPTED AND APPROVED, this _____ day of _____, 1998, by the City Council.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

✓ He explained that Council had approved a second reading on the consent agenda amending the City Code to include the employees of the Commissioner of Revenue and Treasurer in the City's classification and compensation plans and the City's Personnel Policy Manual. It will establish a procedure for these employees to be subject to the City's personnel policies and procedures, except grievance procedures. Mr. Stewart noted that the employees in these two offices are and will always be employees of the Constitutional Officers. Vice-Mayor Lantz offered a motion to adopt this resolution and to authorize the transfer of the appropriate funds out of reserve for contingencies to implement the pay plan. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request from the March for Jesus organization to hold a parade on May 30, 1998. He explained that staff does support approving the parade permit; however, they condition it upon receiving additional information closer to May 30 on the number of people who will be participating in the parade. He noted that they need this information to make sure the City can accommodate the number of people safely. Vice-Mayor Lantz offered a motion

84

to approve this permit for the parade based upon the conditions stated by the City Manager. 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 a debt payment for the renovation of the building which houses the Social Services and Health Department. This transaction reflects the rental payment being made on the facility and the City must show its share of the transactions on it's year end CAFR. There is no request for additional funds from the City. Council Member Green offered a motion to approve this request for a first reading, and that:

\$93,469.00 chge. to: 1000-31521 Rental of properties

\$29,963.00 approp. to: 1000-980142-49102 Public facility - Social Service & Health Dept. - Principal
63,506.00 approp. to: 1000-980142-49132 Public facility - Social Service & Health Dept. - Interest

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

Commissioner of Revenue Hosaflook thanked City Council and City Manager Stewart for allowing Treasurer Neal and herself to place their employees on the City's pay plan. She stated that the City's Mission Statement specially states that Harrisonburg strives to hire, train and retain quality employees and she noted that Council's action tonight is a true demonstration of putting your money into the mission. She noted that the Constitutional Officers' employees are the people that the citizens see and talk to every day in this building and bringing their salaries in line with other City employees will really make them a part of the City's team. This action will benefit both the City and their employees and this resolution will demonstrate to the employees that they are valued and recognized for the excellent job that they are doing.

At 7:55 p.m., Council Member Byrd offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, Community Criminal Justice Board, recommendation for Harrisonburg Board of Zoning Appeals, Industrial Development Authority, Blue Ridge Disability Services Board, and Alcohol Safety Action Program, 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 three (3) existing contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real 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 10:17 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.

✓ City Manager Stewart advised Council that the funds being held in reserve for the Rockingham Library Association in the amount of \$22,409 would be released, unless there were any objections. No objections were noted.

At 10:22 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, CMA
CLERK

Ralphy L. Ertle
MAYOR

REGULAR MEETING

FEBRUARY 10, 1998

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.

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

Human Resource Director McBride introduced four new City employees: Pam Lillard, Public Works; and Christopher Meadows, Kevin Ritchie, and Brandon Foreman, Police 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 Section 10-3-24 of the City Code and a supplemental appropriation for a debt payment. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

At 7:36 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 26, 1998.

The City of Harrisonburg is presently preparing its annual grant application for Operating and Capital Funds for FY 98-99. This application is for Federal and State funds under the Federal Transit Administration 49 USC Section 5311 (formerly Section 18) program.

A public hearing for this application will be held on Tuesday, February 10, 1998, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Ann Cave before February 1, 1998 at 540-432-0492; or mail comments to: Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.

Transportation Director Smith explained that this is the annual application for state and federal funds including capital funds for fiscal year 1998-99 which are administered through the Virginia Department of Rail and Public Transportation. He reviewed the operating budget for fiscal year 1998-99. He said that part of these funds will be used to resurface the existing driveway at the

City's transportation facility which has deteriorated. 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 Rogers offered a motion to approve this application for state and federal funds. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner said that the City is soliciting public input on local community development and housing needs in relation to Community Development Block Grant funding for a project in the City of Harrisonburg. If a locality intends to apply for a grant application, which is due in March, a public hearing must be held prior to the application process. Once a project is specified, another public hearing will be held. There were no comments from the audience or Council members.

✓ Suzanne Stickley, Administrative Director of the Harrisonburg Ballet, presented a proposal requesting financial assistance from the City Council. She said that the Harrisonburg Ballet is a semi-professional ballet company whose purpose is to give aspiring dancers an opportunity to express their talents and gifts. The Harrisonburg Ballet has a lot to offer the community in cultural and educational enrichment. The Ballet Company will add appeal and attractiveness to the City of Harrisonburg for both the residents and visitors. With the construction of the new theater on Court Square, it seems almost essential to showcase and promote the City's only ballet company as a performing entente. The Company strives to promote the Art of Classical Dance in Harrisonburg and the surrounding areas. She said that its financial success beyond the first year of incorporation is very vital to the dance company. It lays the foundation for the receipt of future grants from the state and other art foundations who require at least one year of incorporation before applying for grants. If the Harrisonburg Ballet is to continue to grow, financial support from the City will considerably assist the company in its vitality and growth. She asked that Council carefully consider their proposal.

Mayor Eagle announced that the presentation by the Town of Dayton had been postponed until February 24, 1998.

✓ City Manager Stewart explained that after a successful Fundfest concert series in 1995, 1996, and 1997, 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 May 20, 1998 and end on August 26, 1998. Mr. Stewart said that the City has not experienced any problems with the concert series over the past three years. Council Member Rogers offered a motion to approve the concert series. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Human Resources Director McBride presented a request to modify Section 7.2 and 7.4 of the City's Personnel Policy Manual. He explained that these changes will bring the City's procedures in line with some changes that were recently adopted by the General Assembly in the

Commonwealth of the Virginia Local Government Grievance Procedures. Religion was added as a basis for filing a complaint, and language was added that acts of retaliation can include incidences of fraud, abuse, or gross mismanagement. Additional changes are also proposed to clarify the time frame required for the City Manager to schedule a grievance hearing and for the grievant after the hearing date has been set. Several changes are proposed to the City's performance evaluation and merit pay process used to determine eligibility for employee merit pay increases. These changes in Section 2.14, 3.8, 9.3, and 9.6 will provide additional flexibility to more closely link employees pay increases to the employee's performance. Changes are also proposed to provide supervisors with additional alternatives for addressing below average employee performance. The total dollar amount available for merit pay increases will be established each year as part of the annual budget process approved by City Council. Discussion included merit pay, employee performance, attracting and hiring experienced Police Officers, retaining our Police Officers, and more flexibility for supervisors to award pay increases based upon performance. Council Member Rogers offered a motion to modify these changes in the City's Personnel Policy Manual. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from Loudoun County to endorse a legislative proposal for State assistance for school construction and renovation. The proposal would provide for the Commonwealth to reimburse localities for one-half of the capital costs for a school construction, enlargement, or renovation project based on State standards. Following further discussion and comments, Council Member Green offered a motion to support Loudoun County's proposal. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Public Works Director Baker presented a request for a supplemental appropriation to rehabilitate equipment at the Steam Plant. He explained that due to excessive wear, the existing crane needs a major overhaul to improve the plant's dependability. Failure of this crane which operates 24 hours per day seven days a week could stop the complete waste-to-energy system. The existing crane will receive a complete overhaul of all major components including a complete rewiring and control system. Council Member Green offered a motion to approve this request for a first reading, and that:

\$100,000 chge. to: 1324-34270 Transfer from Sanitation Fund

\$100,000 approp. to: 1324-910142-48682 Retro-fit steam plant

\$100,000 chge. to: 2014-31010 Amount from fund balance

\$100,000 approp. to: 2014-992042-49216 Transfer to Sanitation Capital Projects Fund

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

Public Works Director Baker presented a request for a supplemental appropriation to reflect additional pass-through cost for the Steam Plant. He explained that the 1997-98 budget needs to be revised to include additional revenues anticipated from JMU for heating and cooling CISAT. Revenue from JMU is utilized to cover operational costs of the RRP Heating and Cooling Plant.

Also requested is a one-time use of fund balance to cover expenditures which will exceed reimbursement from JMU in 1997-98. Operational costs are paid 30 days prior to receiving the JMU reimbursement. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that :

\$ 72,000 chge. to: 2014-31010 Amount from fund balance
200,000 chge. to: 2014-31915 Reimbursement from JMU operation

\$120,000 approp. to: 2014-912242-45110 Electricity
70,000 approp. to: 2014-912242-45119 Natural gas
50,000 approp. to: 2014-912242-45120 Heating
20,000 approp. to: 2014-912242-45131 Water
12,000 approp. to: 2014-912242-46180 Chemicals

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

✓ Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to purchase an in-car video camera. This will be purchased through a grant; however, not enough grant funds are available. The funding for the request will come from drug forfeiture money which is held in reserve in the General Fund. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$2,500 chge. to: 1000-31010 Amount from fund balance

\$2,500 approp. to: 1000-310131-48131 Radio equipment

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

✓ Council Member Green mentioned that he had received numerous telephone calls regarding snow removal. He requested an update on the procedures for snow removal and suggested that the procedure should be publicized. He also suggested that the newspaper article called "City Hall Update" be used to remind people of the procedure and to clarify some of the snow removal priorities. Council Member Green also expressed some concern with enforcing the City ordinance on portable signs. He noted that a lot of Cities have portable signs which can be placed on the sidewalk advertising a restaurant's menu. He suggested possibly putting a time limit on how long the sign could be placed on the sidewalk. It needed to be done so that it would not obstruct pedestrian passage. He also noted that these signs could provide some character for the downtown area. Mayor Eagle stated that he plans to discuss this at the Planning Commission's meeting on Wednesday, February 11, 1998.

✓ Vice-Mayor Lantz presented a brief report on the deer population in the City. He said that an area on West Market Street between the Harrisonburg Electric Commission substation and Thomas Harrison Middle School seems to be a favorite crossing place for deer. He noted that the

darkness of the area seems to attract the deer. Because of the construction on West Market Street, the deer are moving farther and farther into the woods to get more cover. The crossing on West Market Street seems to be the only place where there is a wooded area that they can cross the highway to get to another wooded area. The number of reported deer killed by motorists in Harrisonburg dropped from 27 in 1996 to 26 in 1997. Mr. Lantz reported that 33 deer were killed in Harrisonburg in 1997, but seven were taken with a City permit. So far in 1998, one deer has been reported killed in Hillandale Park which had apparently been struck by a vehicle before entering the park. The Deer Task Force has suggested that game biologists conduct another parasite study of the deer in August. It should help to determine the condition of the deer herd and whether it is healthy.

Taines Rontopoulos mentioned that some dark areas in the different parking lots in the City could use more lighting for safety protection. Mayor Eagle noted that the City is experimenting with some new lighting solutions.

City Manager Stewart announced that the City has advertised for engineering firms to conduct a City wide drainage study. The study will take approximately one year and Council will be provided updates during this time.

At 8:16 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, Community Criminal Justice Board, recommendation for Harrisonburg Board of Zoning Appeals, Industrial Development Authority, Blue Ridge Disability Services Board, and Alcohol Safety Action Program, 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 pertaining to an existing contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, namely, economic development and streets, 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 9:58 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Green offered a motion for the following people to be appointed to these Board and Commissions: Dr. Donald Ford to a term on the Community Criminal Justice Board; William L. Jones, Jr., to a term on the Alcohol Safety Action Program; and Ben Melton to another

term on the Blue Ridge Disability Services Board to expire on February 1, 2001. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:16 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, CMC
CLERK

Richard L. Lantz
MAYOR

REGULAR MEETING

FEBRUARY 24, 1998

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

Vice-Mayor Lantz 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 supplemental appropriations for the Police Department and Steam Plant. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:37 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 10, and Tuesday, February 17, 1998.

NOTICE OF PUBLIC HEARING
City Council Chambers
Tuesday, February 24, 1998
7:30 P.M.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 24, 1998, 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 United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds which will be used to upgrade hardware for the record's management system. A 10% match is required from the City. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened.

✓ Rick Chandler, Town Manager, presented a request by the Town of Dayton. He explained that the town is in the process of building a new storage facility and water treatment plant; however, it will not be finished until the end of the year. He said that occasionally during the wet weather this winter, the town has experienced problems with turbidity. Turbidity colors water, giving it a cloudy or muddy appearance. In the past, the town has shared water with Rockingham County, but Rockingham County has also had an increase in turbidity levels in the County wells during recent wet weather. He requested some assistance from Harrisonburg during an emergency until Rockingham County, who is also building a water treatment facility is on line. Vice-Mayor Lantz offered a motion to approve this request with the understanding that City Manager Stewart and Public Utilities Director Collins determine when assistance is needed and when the City cannot supply water to Dayton. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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

RESOLUTION

WHEREAS, there exist many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the City Council of the City of Harrisonburg; and

WHEREAS, the City Council desires and Commonwealth of Virginia Statutes require the adoption of appropriate planned protective measures;

THEREFORE BE IT RESOLVED that the City Council hereby adopts the City of Harrisonburg Basic Emergency Operations Plan, dated January, 1998.

ADOPTED and APPROVED this _____ day of _____, 1998.

Rodney L. Eagle, Mayor

ATTEST:

Yvonne Ryan, CMC, City Clerk

Fire Chief Shifflett explained that the Emergency Operations Plan is revised and updated in five year cycles. The State provides the basics of the plan, with each locality providing information as to the roles, responsibilities, and duties of individuals, organizations and departments of their specific locality. Council Member Rogers offered a motion to adopt this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council consideration a resolution concerning advance refunding of jail bonds. He explained that the City has been notified that the State will provide prepayment of their portion of the bonds which were issued by the Housing Authority for the City and County in 1991. The State has requested that Council consider several requests: Number one, accept the notice of the prepayment and waive the 60-day notice provision for prepayment if necessary for the State to close the bonds earlier, with the stipulation that such action will not financially harm the localities. Number two, direct Crestar, as trustee for the bonds, to receive the "prepayment" from the State and invest those funds in the U.S. Treasury - State and Local Government Securities (SLUGs). Number three, as part of the reimbursement agreement, between the City and County direct the trustee to use the proceeds to pay debt service on the 1991 Series bonds. Also, Mr. Stewart said that preliminary evaluation of the cost benefit of the City and County issuing refunding bonds is that the localities would realize between 7% and 8% net present value savings (between \$700,000 and \$800,000) to be split equally between the City and County. Further detail will be provided in March. He also pointed out that the State's action will reduce the City's outstanding debt showing on the balance sheet by approximately 3.5 million. Vice-Mayor Lantz offered a motion to approve this resolution. 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 reserve for contingencies to the City Attorney's budget. These funds will be used to pay for legal costs billed to the City by the City's Attorney. Council Member Rogers offered a motion to approve the transfer of these funds.

\$10,000 chge. to: 1000-940111-49310 Reserve for contingencies

\$10,000 approp. to: 1000-120411-43152 Other legal services

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

Public Works Director Baker presented a request for a supplemental appropriation to cover increased tipping costs at the Rockingham County Landfill. He explained that Rockingham County had increased tipping fees on July 1, 1997, and January 1, 1998 and these funds are necessary to cover the increased costs. Council Member Green offered a motion to approve this request for a first reading, and that:

\$239,000 chge. to: 2014-31632 Landfill fees

\$239,000 approp. to: 2014-932042 Service Contracts

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

Public Works Director Baker presented a request for a supplemental appropriation for the West Market Street project. He explained that the funds will be used to reimburse VDOT for the City's share of the work performed from January 1998 through May 1998. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$50,000 chge. to: 1000-31201 Sales tax - local share

\$50,000 approp. to: 1000-410241-48297 Work in progress - West Market Street

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

City Manager Stewart announced that the damage from Hurricane Fran which occurred in September 1996 at Rawley Springs would cost less than what they anticipated. The total cost to the City will be \$1,931.00. Council Member Rogers offered a motion to authorize City Manager Stewart to sign the number one amendment with Natural Resources Conservation Service. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 8:07 p.m., Council Member Byrd offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, recommendation for Harrisonburg Board of Zoning Appeals, and 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. 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 9:50 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.

Vice-Mayor Lantz offered a motion that Jimmy E. Garber, be appointed to fill the unexpired term of John Rouse on the Industrial Development Authority to expire on April 24, 2000, and that Todd Alexander be recommended to the Circuit Court to fill the unexpired term of Thomas Edgar Sipe on the Board of Zoning Appeals to expire on March 20, 2001. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that James E. Huffman, 1214 Windsor Road, be appointed to fill the unexpired term of Thomas Edgar Sipe on the Harrisonburg Planning Commission to expire on December 31, 1998. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

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

Yvonne Ryan, CMA
CLERK

Rodney L. Eagle
MAYOR

REGULAR MEETING

MARCH 10, 1998

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.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for Landfill Tipping Costs and a West Market Street project. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

✓ Planning and Community Development Director Turner presented a request for approval from Eastern Mennonite University for a Master Development Plan. The Eastern Mennonite University campus is approximately 91.896 acres and is zoned R-3 Multiple Dwelling Residential, but also has the I-1 Institutional Overlay District imposed upon it. The proposed Master Plan will take approximately 10 years to complete. Eastern Mennonite University currently has an enrollment of 1,259 students with a projected enrollment of 1,400 as shown in the narrative. The plan proposes the construction of three new buildings, expansion of six existing buildings, an additional athletic field, and associated parking additions. New buildings include a Welcome Center, an academic building, and an arts/theater building. Proposed expansions include the addition of a recreation and wellness center to the existing gymnasium, an addition to the Northlawn residence hall, and additions to the library, science center, bookstore, and Lehman auditorium. A new soccer and recreation field is proposed to be located along Mt. Clinton Pike. The narrative provides more detailed information on these uses including the approximate square footage of the buildings involved, number of stories and height. It also provides some information on the proposed parking and indicates that all City requirements will be met. She said that although the entire campus impacts the surrounding areas the most significant visual impact will be located closest to the outer boundary of EMC campus. She reviewed the two new facilities planned near the University's boundary with Mt. Clinton Pike. The proposed university's common and wellness center would be the closest facility to Dogwood Drive. This proposed facility hopes to break ground in the spring of 1999 with completion in the year 2000. In review of the plan, staff requested that the applicant provide a landscape buffer between the proposed parking lot along Dogwood Drive. EMU amended their master plan to include landscaping that will be low in height to protect the view of the residents in the neighborhood. Questions also arose over whether the baseball field on Park Road would be lighted in the future. The applicant indicated that it may be considered in the future. Based on the review of the submitted items, staff finds that the general plan of the development is not detrimental to the public health, safety, or welfare, and is not in conflict with policies and principles of the

Comprehensive Plan. She said that Planning Commission recommends approval of the proposed Master Plan.

At 7:40 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, February 23, and March 2, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 10, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

MASTER PLAN

A request by Eastern Mennonite University for approval of a master development plan for real estate owned or controlled by the university and situated within the I-1 Institutional Overlay District. The site is identified as the following parcels on the City of Harrisonburg's block maps: 48(A) 1-3 and 34-36; 48(B)5-14, 48 (H) 1, 4, 5, 6; and 58 (A) 1, 3, 4, 5, 6, 7.

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

Roger Williams, Attorney for Eastern Mennonite University, explained that a few years ago, Eastern Mennonite University appeared before City Council with some requested zoning text amendments to the R-3 zoning district. At the conclusion of that meeting, City Council indicated it would be helpful in the future if there were Master Plans of EMU which could be shared with the public. Meanwhile, the City adopted the Institutional Overlay District. The very same dimensional regulations have now been put into the Institutional Overlay District where they belong because they are uniquely tailored to colleges, hospitals, universities and institutions. With the assistance of the Troyer Group, Eastern Mennonite University has prepared a Master Plan. There are two component pieces - the drawing and the narrative description, which goes into a bit more detail on uses, the number of stories, height, and square footage of the additional buildings that are projected into the future. The Master Plan includes the development of approximately a 90-acre campus. He said that Eastern Mennonite University held a neighborhood meeting to share information and listen to concerns. They also met with City staff to discuss different aspects of the plan.

Joseph Lapp, President of EMU, said that the university has been experiencing quite a bit of growth in the past number of years. As we approach the 21st century, we are trying to anticipate what things might be like for the university in the next 10 years. He reviewed the plan indicating where there would be expanded facilities. He noted that the recreation/athletic facility will be imminent in the next several years. The other facilities will be built as programs needs exist and we can raise the contributing dollars. Mr. Lapp presented a picture of the new facility. There being no others desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Byrd commended EMU on their efforts for master planning, but also taking all the proper steps to involve the immediate community surrounding the university. Council Member Byrd offered a motion to approve the Master Plan of Eastern Mennonite University as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner said that the City is soliciting public input on a proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development on the Friendship Industries project. The Community Development Block Grant program is a program established by the State of Virginia to improve the economic and physical environment in Virginia localities. One of its primary focuses is to benefit low and moderate income persons. Friendship Industries has asked the City to submit this application to construct a new 40,000 square foot facility on Liberty Street. This is a project with a total value of more than \$3.5 million. Friendship Industries has received tentative approval of a Rural Development Grant for \$1,513,492 toward this project, commitment from VDOT for construction of an industrial access road for \$290,000, and \$500,000 in Federal Rural Development grant funds, \$25,000 commitment from Rockingham County and \$66,475 from the City of Harrisonburg. City staff will provide grant administration for \$15,000. The City wishes to apply for \$700,000 of Virginia Community Development Block Grant funds for the new industrial facility for Friendship Industries, Inc.

At 7:50 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order.

George Homan, vice-president of Operations for Friendship Industries, said that Friendship Industries was applying for the Community Development Block Grant to build a new facility. One driving force that we have seen in this community is a need to employ additional persons with disabilities. State statistics show that 70% of all persons with disabilities are not employed at this time. We have currently a population of 65-70 individuals with disabilities and a total work force of between 90-100 individuals. We currently are working out of two facilities. The current facility on Waterman Drive is inadequate for expansion and growth. The other facility is in Bridgewater. Funds would be used to construct a new industrial facility of approximately 40,000 square feet to expand operations and continue growth and improvement of employment services to persons with disabilities. He also noted funding sources from rehabilitation dollars have dwindled over the years. This new facility will also generate revenue for the City of Harrisonburg. Friendship Industries is also exploring other grant sources; however, any money that is not put together through a grant process will be provided through a fund raising program.

Steve Riddleberger, Director of Human Resources at Dunham Bush, spoke in support of the application for funding to be used for the expansion of Friendship's Industries. Friendship Industries over the past 30 years has met a need by providing a working environment for disabled people in our community. They have trained people with disabilities to be productive and wage earning citizens. The management group has created ways to offset the reduction in funding by going out and aggressively seeking new customers in changing market conditions. He said that everyone should visit Friendship Industries and see people who truly enjoy what they are doing and learning.

Maupin Stewart, Chairman of the Board of Friendship Industries, encouraged Council's support of this proposal. Friendship Industries has a positive impact on its clients, their families and the community. This proposal is a critical component for us to be able to achieve our goal to provide better facilities and better working conditions for the present clientele and opportunities for meaningful new employment for new clients from the disabled community.

Dwayne Martin, Director of the Association for Retarded Citizens OP Shop, said the OP Shop is a work activity center for adults with mental retardation. It is a pleasure to work with Friendship Industries especially in corporate transportation. He expressed support for the block grant.

Shirley Terry said she was a sister of one employee at Friendship Industries. Her brother who has Down's syndrome could not even write his name until he started working at Friendship Industries and now can bring home a pay check. She said that her brother is just one of many who have received help from Friendship Industries.

Kim Flesher said that Friendship Industries is a wonderful establishment. She encouraged City Council to consider this funding grant.

City Manager Stewart said that they have discussed this project and City staff will provide grant administration for \$15,000 if Friendship Industries is successful in receiving the grant. In addition, the City has had a program for over a year on being able to extend water and sewer services for certain priority projects including commercial and industrial development. The preliminary estimates for providing water and sewer to the property would be approximately \$51,475. This would be included in the 1998-99 water and sewer budget. There being no others desiring to be heard, the public hearing was declared closed at 8:07 p.m., and the regular session reconvened. Council Member Rogers questioned if \$51,475 would be enough to make a strong grant. Mr. Homan stated that they would receive any support from the City as showing cooperation. City Manager Stewart noted that actually the City would be providing up to \$51,475 in water and sewer services plus an additional \$15,000. Council Member Rogers noted that Friendship Industries does an excellent job in helping the disabled to earn an income. Council Member Rogers offered a motion to support this grant funding. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council. Mayor Eagle said that he was very impressed with the revenue that Friendship Industries brings into the community. They provide jobs for our disabled citizens for both the City and County. Vice-Mayor Lantz stated that he has toured Friendship Industries and was very impressed with the work ethic of the people and the first-class product that they are producing.

✓ Kathy Whitten, Chairman of the Planning Commission, presented a brief report concerning the major accomplishments of the Planning Commission. She said that the R-5 Planned Single-Family Residential District needs some more study to make it more workable for the City. She said

that developing goals and objectives had been very helpful. The commission has a good sense of direction. They will review the Comprehensive Plan's draft very soon. Council Member Rogers said that the Planning Commission is doing a good job and he understood all the hard work the commission did concerning land uses.

Chad Layman representing the Chamber of Commerce issued an invitation to City Council to participate in "Spring Cleanup Week." He explained that it is a week long event encouraging people to clean up the area. He also challenged the Council to participate on Monday, April 20th at 2:00 p.m., to pick up trash on the Grassy Creek Road. It will provide an opportunity for the community to see the leaders of the area picking up trash.

Charlette McQuilkin presented a request from the Harrisonburg-Rockingham Community Policy and Management Team (CMPT) for additional funding for the Comprehensive Services Act. She explained that since the General Assembly in July 1993 passed the Comprehensive Services Act, Harrisonburg-Rockingham CMPT has served only mandated children by State and Federal law. Children in foster care and children placed through the schools receive these services. This year CMPT has initiated efforts to maintain costs by requiring parent financial contributions to the cost of caring for their children and limiting rates paid for individual and group therapy. In addition, CMPT has increased case management activities too more closely scrutinize services and costs, increased use of contracted in-home services to prevent foster case replacement, and development of a wrap around service for intensive cases. However, they still need additional funding. This year, CMPT has been working to implement the process of utilization management. The state will be taking a more careful look at what each locality is doing including initialing an assessment instrument by having a plan of action and more reviews to be more cost effective. Don Driver, Director of Social Services, explained that again there is a deficit in the budget. The state and locally established allocation this year for this program are \$630,634. Total expenditures will be approximately \$900,879 for this year leaving a deficit of \$270,245. Of that amount, the required local match will be \$84,452. The number of children served has basically remained the same, but the cost per child has significantly increased. However, Mr. Driver noted that this is a good community with many services. Discussion included more severe problem children, special reviews of some children, foster care prevention, high cost hard-to-place difficult children (teenagers), and mandated children with a variety of problems. Council Member Rogers offered a motion to approve this request for \$84,452 for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council. Council Member Green questioned how much school funding was involved for this special group of children. Social Services Director Driver acknowledged that some of these high cost hard-to-place difficult children have been placed out of state in special programs; however, most of the children go back into their homes or into adoption.

Walter C. McGill, Jr., a manager partner of the Jupiter/McGill Housing Group, presented a request for Council's endorsement of its apartment project. He explained that the housing group wants to build a 44-unit apartment complex and will be asking the Virginia Housing Development Authority for Federal tax credits associated with the property. Federal tax credits are offered to private developers as an incentive to provide reduced rents typically to middle and low income groups. The Virginia Housing Development Authority awards the tax credits based on a point system. Council Member Rogers said that endorsing this project could be a major burden upon the

City and he could not support it. He reviewed some City's goals including creating higher-paying jobs, high-tech technology, and affordable housing. Vice-Mayor Lantz said that the federal tax credits would put developers who already have apartments in the City at a disadvantage because they would not have the benefit of the indirect subsidy. Following further discussion and comments, Council Member Rogers offered a motion directing the City Manager to write a letter to the Virginia Housing Development Authority stating that Council does not support this project. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote; however, Council Member Byrd did not vote. He said that he was not prepared to vote on this issue.

Ray Nicely presented a request from Northfield Associates, L.P. He explained that the group wanted Council's endorsement of its apartment project. This request involves a proposed 120-unit development which the Planning Commission has approved. He said that it is zoned R-4 and required a master land-use plan.

Mary Christhlf, regional vice-president of Boston Financial, said that her company manages Castle Development's properties in the Virginia area. The company has 14 sites from Northern Virginia to the Roanoke area. Rent is below the market rates and caters to the working individual. However, sometimes if an individual can meet the criteria, they accept Section 8 vouchers. She presented pictures of the communities and said that they did not have any more police activity in their communities than regular apartment communities in any city. Sometimes the managers and maintenances people live on the property. It is not low income; however, renters must have a minimum and maximum income to get into the community. Following further discussion and comments, Council Member Rogers offered a motion directing the City Manager to write a letter to the Virginia Housing Development Authority stating that Council does not support this project. 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.
Wolfe Street	.03 Mile West of Liberty St.	85997IN

Maryland Avenue

.08 Mile South East of Roosevelt St.

842239M

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 _____, 1998
City of Harrisonburg, Virginia

ATTEST:

By: _____
Mayor

Clerk of Council

✓ Public Works Director Baker explained that this project is being developed as part of a Federal ISTEA Rail/Highway Grade Crossing Improvement program. This resolution requests that VDOT develop a project for the improvement of Wolfe Street and Maryland Avenue (near Central Avenue) railroad crossings. Beside installing safety signals, improvement will be made to the grade crossings. The City is required to pay 10% of the costs for the improvements. Council Member Green offered a motion to approve this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Vice-Mayor Lantz offered a motion authorizing the Harrisonburg Redevelopment and Housing Authority to proceed with refunding the jail bonds by naming Craigie and Ferris Baker Watts as Senior co-managers for underwriters services and Christian and Barton as bond counsel. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request for a supplemental appropriation. He explained that this adjustment is necessary to show that the purchase of voting machines and the Industrial Park land were properly budgeted. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$375,665.00 chge. to: 1000-34112 Loan proceeds

\$ 44,587.00 approp. to: 1000-130114-48110 Machinery and equipment

331,078.00 approp. to: 1000-430221-48282 Land

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

City Manager Stewart presented a request from Congressman Goodlatte to have a joint meeting with City Council and the Board of Supervisors to discuss local issues. Council Member Rogers suggested that perhaps Congressman Goodlatte should meet only with the City Council to discuss his support and help with technology of providing high paying jobs in our community. Council Member Green recommended having the meeting on any regular scheduled City Council meeting night.

At 9:22 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority and recommendation for Harrisonburg 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. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, requiring the provision legal advice by the City Attorney, exempt from 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 Rogers, and approved with a unanimous vote of Council.

At 11:40 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 that Cathy McClatchy, 1614 Central Avenue, be recommended to the Circuit Court for a second term on the Board of Zoning Appeals to expire on March 20, 2003. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Council Member Rogers offered a motion that Donn E. Meyerhoeffer, 486 Andergren Drive, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2002. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 11:42 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, CMC
CLERK

Rodney Leagle
MAYOR

REGULAR MEETING

MARCH 24, 1998

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

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for voting machines, Industrial Park land and the Comprehensive Services Act. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

✓ Bob Satterwhite, Planner, presented the Shenandoah Valley Private Industry Council's 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 102 City residents last year in the program. Fifty-seven people completed the training which resulted in placing 53 residents in jobs at an average wage of \$8.50 per hour. They also employed 37 City youths in the 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.

✓ Ruth Deskins representing the Convention & Visitors Bureau presented a request for a Summer Feast on June 20, 1998. She explained that the event will be similar to last year's and will have minimum impact on traffic patterns. Emergency routes will be maintained and Main Street will remain open. The festival also ties into the Mission Statement of C/VB by creating an event to draw visitors to our area, while promoting the restaurants in our area. The Shenandoah Valley Bach Festival concert will be held at noon in the downtown area. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner presented a request by Forbes Crutchfield General Partnership for approval of a preliminary plat of Port Republic Road Business Park. The request also includes a variance to Section 10-2-42(d) of the subdivision ordinance, which states that all lots shall front on a public street. Mrs. Turner explained that this property consists of approximately 28.61 acres and is located at the intersection of Port Republic Road and Peach Grove Avenue. The applicant is requesting to subdivide the parcel which is zoned B-2 General Business District into nine lots. The ordinance requires that all lots front on a public street; however, proposed lot H does not front on a public street. The purpose of the request is to develop a shopping

center with a Food Lion grocery store and other retail stores. She reviewed the zoning classifications surrounding the property and noted that the property slopes downhill from Port Republic Road and then gradually rises in elevation toward the rear property line. A small creek runs roughly parallel to Port Republic Road. This proposed lot H will have access to both Port Republic Road and Peach Grove Avenue through access easements. The plat shows that they will give the lot a 50-foot wide access easement to Port Republic Road, with use of a private street that will provide access to Peach Grove Avenue. She said that Planning Commission recommends approval of the proposed request. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner presented a recommendation from the Planning Commission to amend Section 11-5-6(8) of the Sign Ordinance. She explained that this amendment would permit "menu board" signs to be located on the sidewalk downtown. In researching other localities, they discovered that the City of Lexington does not permit menu board signs in their downtown area; however, Fredericksburg, Winchester and Roanoke all permit menu board signs of some description. Those localities have restrictions on where they can be located and the hours that they can be placed outside the business. She said that Planning Commission proposes amending Section 11-5-6 of the Harrisonburg City Code adding paragraph 8 which deals with the B-1 Central District stating that: *In the B-1 Central Business District, one portable freestanding sign is permitted for each business. Such signs shall not exceed three (3) feet in width and six (6) feet in height and may be located upon the City sidewalk provided that a clear area of three (3) feet in width is left for pedestrian access. Such signs shall be located only in front of the business advertised and only during the hours of business operation. The sign area shall be in addition to the overall allowable sign area for the business.* Council Member Byrd offered a motion to amend the sign ordinance for a first reading as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented a request from the Planning Commission to schedule a joint public hearing on the Comprehensive Plan. He explained that the Planning Commission has been working for several months on updating the Comprehensive Plan and suggested that a joint public hearing be held on May 26, 1998. Vice-Mayor Lantz offered a motion to schedule a public hearing with the Planning Commission on the Comprehensive Plan on May 26, 1998. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 1998-99 budget. He reviewed the time line used to develop the budget and noted that the budget is built on a projected 3,625 average daily student enrollment. He explained that state revenues are based on current budget figures from the General Assembly and federal revenues are estimates based on current funding; however, it will be several months before actual numbers are available. If enrollment should increase in specific grades or programs beyond projections, additional personnel may be required. The budget includes a projected 4% average salary increase for employees. He reviewed the budget revenue estimates which the School Board adopted at its March 17th meeting. However, the 6.48% increase represents a revision from a previous 7.37% estimated increase in local funding because of some changes being made by the state which will

result in additional funding. Dr. Ford thanked City Council for retiring the VRS indebtedness. He said that the School Board is requesting revenues for \$30,241,929 or a 6.48% increase in local funds. Some of the higher numbers are related to three categories which include personnel, literacy initiative and technology improvements. Vice-Mayor Lantz commented that he appreciated how it was pointed out that the local revenue increase in the budget would be 6.48% rather than 1.1% which was reported in the newspaper. He also noted that with some debt service reduction, the 6.48% figure would increase to approximately 8% for operating expenses.

✓ City Council directed Assistant City Manager Baker to present a number of proposed projects to be considered for funding at the Virginia Department of Transportation annual pre-allocation hearing on April 3rd in Verona. Mr. Baker explained that the proposed road-widening projects are for consideration in the six-year plan; however, projects listed in the state plan sometimes take much longer than six years to complete. The existing projects under construction include West Market Street, Neff Avenue extended, Reservoir Street and the bridge over I-81. New projects for consideration include completion of four laning Cantrell Avenue, South Main Street, Port Republic Road, Stonespring Road, Linda Lane, Mt. Clinton Pike, East Market Street corridor, Pleasant Valley Road, Country Club Road, and Pleasant Hill Road. The City in the past has requested a new I-81 interchange at Smithland Road which officials hope would take some of the traffic pressure off East Market Street. Mr. Baker said that a four-lane Stone Spring Road would help handle traffic entering the City from that direction and connect with four-lane Peach Grove Avenue. Peach Grove Avenue is expected to be connected with a four-lane extension of Neff Avenue that will meet the street at Port Republic Road. Neff Avenue, which is scheduled to be finished this summer, would then connect Reservoir Street and the area behind Valley Mall with Port Republic Road.

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

RESOLUTION

✓ **WHEREAS, that due to construction, reconstruction, or elimination of certain streets within the City limits of Harrisonburg, there are deletions and additions of street mileage which are eligible for maintenance payments.**

1. **Collector/local streets to be deleted, totaling 0.21 center line miles (0.42 lanes miles).**
2. **Collector/local streets to be added, which meet the requirements of Sections 33.1-41.1 of the code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 4.13 center line miles (9.22 lanes miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.**
3. **Principal/Minor Arterial streets to be deleted, totaling 0 center line miles (0 lanes miles).**
4. **Principal/Minor Arterial street to be added, which meet the requirements of Section 33.1-41-1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 0 center line miles (0 lane miles).**

Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 1998.

Adopted by the Harrisonburg City Council the _____ day of March, 1998.

Mayor

Attest:

Clerk of City Council

✓ Public Works Director Baker said that this resolution will add newly developed streets to VDOT Urban Street Inventory. He explained that most of these streets have been developed because of new developments and expansions. By adding these streets to the inventory they will receive future urban maintenance funding. Vice-Mayor Lantz offered a motion to approve this resolution adding these streets to the VDOT inventory. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request for a supplemental appropriation to pay a consultant to study bus shelter traffic flows at Godwin Hall. This study will tie into the proposed improvements to Bluestone Drive and I-81 only. There is no request for additional funds from the City. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$ 20,000 chge. to: 2013-32516 Transit-Operating
5,000 chge. to: 2013-31654 JMU Transit Contract

\$25,000 approp. to: 2013-812081-43100 Professional Services

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

✓ Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were donated to be used for the K-9 unit. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$945.00 chge. to: 1000-31809 Donations - K-9 unit

\$945.00 approp. to: 1000-310131-48241 K-9 unit

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

✓ Taines Rontopoulos expressed his concern to Council since Columbia Gas Company has recently changed its procedure for connecting customers with gas service. He explained that the gas company will no longer automatically make a safety inspection inside the residence before turning on the gas. However, a company representative will make an inspection at the customer's request for an additional \$25 fee. He said that as a downtown businessman who owns rental property in the City, "I think it is a terrible, terrible dangerous situation to put our people in. Without an inspection, damage to gas lines would not be detected. Some of the tenants are decent and hard working people, but some of them can't change light bulbs and the thought of them coming into an apartment and trying to light pilots could cause a terrible situation." Vice-Mayor Lantz offered a motion directing the City Manager to write a letter to the State Corporation Commission. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Gregory Speck encouraged Council not to consider an I-81 interchange at Smithland Road. He said that even if a beltway was created to circle Harrisonburg, it would not address the ever increasing volume of high speed traffic through the center of the City which is I-81. He said that he was not in favor of widening I-81 to six or eight lanes and suggested moving the interstate to the east and by-passing the City. Mayor Eagle noted that the interstate did not originally pass through Harrisonburg and the JMU campus; however, JMU and Harrisonburg have grown across the interstate.

✓ City Manager Stewart said that he had received a letter from the Virginia Housing Development Authority indicating that they had received an application for the third phase of the Madison Ridge development. The application is for a 48-unit apartment complex. Following further discussion and comments, Council Member Rogers offered a motion directing the City Manager to write a letter to the Virginia Housing Development Authority stating that Council does not support this project nor encourage this type of low income housing. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart announced that Congressman Goodlatte could only meet with Council on a Monday night, either on April 20 or May 4. City Council suggested that the City Manager select the date and everyone would try to attend.

At 8:40 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority and recommendation for Harrisonburg Board of Zoning Appeals, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of economic development and 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 9:45 p.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from

open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

✓ Council Member Rogers offered a motion that Walter R. Trobaugh, III, 1064 South Dogwood Drive, be recommended to the Circuit Court to fill the unexpired term of Charles P. Bilbrey on the Board of Zoning Appeals to expire on March 20, 2002. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ Council Member Rogers offered a motion that James Ted Byrd, 238 Campbell Street, be appointed to fill the unexpired term of Douglas J. Bullett on the Industrial Development Authority to expire on April 24, 1999. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

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

Yvonne Ryan, CMC
CLERK

Rodney L. Eagle
MAYOR

REGULAR MEETING

APRIL 14, 1998

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 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 of an ordinance amending Section 11-5-6(8) of the City Code. The motion also included the second reading of supplemental appropriations for the Police Department and a transportation study. 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 First Virginia Bank, Eunice Pugh (Old Dominion Realty) and Eugene Muterspaugh to rezone four parcels located at 2320, 2340 and 2360 South Main Street and a vacant lot from M-1 General Industrial District to B-2 General Business District. The site includes First Virginia Bank, Old Dominion Realty, and the Muterspaugh residence. She reviewed the zoning classifications surrounding the property. The Land Use Guide recommends the property for commercial use. Rezoning the property from M-1 to B-2 would correspond to the Comprehensive Plan's recommendation that the property be used for commercial purposes. She said that Planning Commission recommended approval of the proposed rezoning request.

At 7:39 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 30, and April 6, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 14, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Request by First Virginia Bank, Eunice Pugh (Old Dominion Realty) and Eugene Muterspaugh to rezone property at 2340 and 2360 South Main Street from M-1 General Industrial District to B-2 General Business District. The property is identified as parcels 6(D) 1, 2, 3 and 4B on the City of Harrisonburg's block maps. The Comprehensive Plan recommends the property 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 Public Hearing, shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Mike Pugh requested that Council consider the rezoning request. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve this rezoning request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented the 1998-99 budget to the City Council. He explained that a public hearing will be held on April 28 with final approval suggested on May 12th. There are no tax rates or general fund fees that will increase in the proposed 1998-99 budget. City Manager Stewart explained that in terms of expenditures the budget focuses on three primary functions, which include education, public safety and infrastructure. The proposed budget represents a 12.95% decrease in net expenditures from the 1997-98 budget as amended, while moving forward toward many City priorities. City Manager Stewart then reviewed some of the 12 goals established at the August 1996 Council Planning Session. Since Council created its own Economic Development Department with a full-time Economic Development Director, there will be a great deal more effort focused on marketing of the community to keep quality businesses and attract new businesses that will have higher paying jobs for citizens in the community. The City continues to work with the Redevelopment and Housing Authority in the opening of the downtown theater, restaurant, television station and a farmer's market. The City is also working with the Library Board to expand the current library. Mr. Stewart also said since capital funds are being provided, hopefully construction will start in the near future. The entire operating increase requested by the library has been approved. This should allow the library to continue its efforts in computerization and increase the staff level. The General Fund revenue picture is brighter than last year in that revenues are projected to increase by \$2.7 million. The primary increases will occur in real estate and personal property revenue, business license revenues, and increased contribution from Harrisonburg Electric Commission. Sanitation continues to be an issue that the City will address over the next few years. The City will be putting approximately \$550,000 into a joint operation with Rockingham County for equipment at the landfill and expanding the landfill. The City will provide approximately \$200,000 for closing the old landfill. Another \$200,000 will be used for continuing to retrofit the original resource recovery facility. Expenditures in the Sanitation Fund will continue to increase in the next few years. Mr. Stewart noted that the City is committed to public safety and the proposed Police Department budget will include adding four new police officers. The Fire Department budget proposes hiring six new firefighters after January 1st responding to the "Two-In-Two-Out" rule. The

proposed budget also calls for a pilot program beginning in July allowing two police officers to take cruisers home with them. The expenditures proposed for Public Works has a significant increase to maintain the infrastructure. He went on to point out that school represents the largest single expenditure in the City budget (the proposed transfer from the General Fund is 41% of the total General Fund expenditures). The City is proposing to increase the school funding by \$900,000 or a 5.2% increase over the current year's funding. The City's total projected 1998-99 revenue from all property taxes (real estate and personal), including penalties and interest, is \$15,847,500. The City's proposed contribution to the school budget for next year is \$18,172,932. This amount does not include the fact that the City will be replacing two school buses which will add additional cost to the City in local dollars of approximately \$160,000. The City will continue its commitment to work with the schools to find money for renovation of the three older elementary schools. The reduction in debt service for next year resulted by paying off some of the debt for the VRS. 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 to complete the Thomas Harrison Middle School when it went over budget. Maintaining the City's infrastructure includes replacing a 1982 fire truck, resurfacing streets, replacing equipments in the Public Works Department, replacing playground equipment at Westover Park, replacing the roof at Gilkerson Community Activity Center, replacing water mains, replacing several sections of the Blacks Run Sewer Interceptor, replacing two school buses, and replacing the North Main Street Bridge. Mr. Stewart noted that the entire budget document is available for review at the City Manager's office and the library.

✓ Brenda Spencer, Court Service Unit Supervisor, presented a resolution endorsing the Virginia Juvenile Community Crime and Control Act Plan. The Virginia Juvenile Community Crime Control Act was developed to ensure sanctions and services to juvenile offenders to deter crime and reduce repeat juvenile offenders before the court. Harrisonburg and Rockingham County will receive a total of \$244,402 for each year of each biennium. The plan calls for the two jurisdictions to collaborate under this act, with the City serving as the fiscal agent. She briefly reviewed the plan. 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.

✓ Jane Hubbell, Project Coordinator for the Office on Youth of Big Brothers/Big Sisters, presented a list of individuals for Council's consideration to serve on the Youth Services Commission:

Larry Rogers - City Council/CSB/member of the High Risk Families Coalition.
 Mike Wenger - Director of Education Services, RMH/member of Mental Health Coalition.
 Steve Jackson - Principal Spotswood Elementary/Parent.
 Henry Whitelow - Supervisor, Juvenile Court Service Unit/member of the High Risk Families Coalition.
 Tonja O. Perez - Migrant Education Coordinator/member of the Mental Health Coalition.
 Emily Purdy - Director United Way/member of the Healthy Community Council.

Council Member Green offered a motion to approve the list. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

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

RESOLUTION

WHEREAS, the young people of Harrisonburg are tomorrow's leaders; and

WHEREAS, many such young people need professional youth services to help them cope with a wide range of social and financial hardships; and

WHEREAS, the Boys & Girls Club of Harrisonburg & Rockingham County is providing services to more than 300 young people annually; and

WHEREAS, the Boys & Girls Clubs are at the forefront of efforts in substance abuse, delinquency, and teen pregnancy prevention, and outreach to immigrant families; and

WHEREAS, the Boys & Girls Club organizations in our state help ensure that our young people keep off the streets, offering them a safe and supportive place to go and providing them with quality programs; and

WHEREAS, the Boys & Girls Club of Harrisonburg & Rockingham County will celebrate National Boys & Girls Club Week, 1998 along with some 2000 Clubs and more than 2.6 million young people nationwide;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Harrisonburg, Virginia that April 19 - April 25 be designated as *Boys & Girls Club Week in Harrisonburg*.

BE IT FURTHER RESOLVED that the Mayor and City Council urge the citizens of Harrisonburg, Virginia to join us in recognizing and commending the Boys & Girls Club of Harrisonburg & Rockingham County in our City for providing comprehensive, effective services to the young people in our community.

Date

Rodney L. Eagle, Mayor

Attest:

Clerk of City Council

✓ Heather Denman requested that Council approve the resolution and introduced several staff members of the Boys and Girls Club. Council Member Green offered a motion to approve this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a resolution for Council's consideration to refinance lease revenue bonds. He explained that in September of 1991, the City and County issued lease revenue bonds through the Harrisonburg Redevelopment and Housing Authority to construct a new judicial complex. Since interest rates are lower, the City and County can save a substantial amount of money by refunding these bonds.

Charles "Chip" Bassett representing Craigie, Inc., said that in 1991 the City and County issued revenue bonds for a joint project for the district courts and regional jail. This project was financed with a bond issue through the Redevelopment and Housing Authority. The state reimbursed the two jurisdictions for approximately 50% of the jail portion of the project cost over the life of the 1991 bond issue. By refinancing these bonds now, it will save the City and County approximately \$110,000 per year except the final year. Following further discussion and comments, Council Member Rogers offered a motion to approve this resolution as presented. The motion was approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented a lease amendment between the City of Harrisonburg, Rockingham County and the Harrisonburg Redevelopment and Housing Authority. He explained that this lease amendment would allow the City and County to have storage space in the old Bridgeport Building which is adjacent to the Social Services and Health Department building. There will be no charge for using the space except the City and the County will be asked to pay a proportional share of the property insurance and utilities. The lease agreement has been reviewed by the City Attorney. Council Member Rogers offered a motion to approve this agreement. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner introduced a request to rename "Gilmer Circle" due to development plans changing this street design from a loop street to two cul-de-sacs. She explained that the original preliminary subdivision plat for Stonespring Village showed "Gilmer Circle" as a loop street. Since then, the developer has changed plans to call for two cul-de-sacs in place of the loop street, consequently, there are now two streets named "Gilmer Circle." Because of emergency response, mail delivery and other types of service deliveries, the City does not want to have two streets with the same name. The developer, with the residents of the street to be renamed, has proposed that the street be renamed to Apple Ridge Road. Mrs. Turner said that she had spoken with the developer suggesting that the street be renamed Apple Ridge Court since it was not a through street; however, the developer could not speak for the residents. Mrs. Turner suggested that the second Gilmer Circle be changed to Apple Ridge Road or Court if the residents agreed. 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.

✓ Public Works Director Baker announced that Moore Bros., Inc., was the low bidder at \$4,845,170.85 for the Reservoir Street Roadway widening and bridge replacement over I-81. Funds for this project will be from previously approved bond proceeds plus contribution from VDOT. Construction is scheduled to start in mid May 1998 and be completed by December 10, 1999. The bridge will be closed to through traffic from January 1, 1999 to November 10, 1999. Council Member Green offered a motion to award this contract to Moore Bros., Inc., subject to approval by VDOT. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request from Rockingham County to name a street that lies in both the City and the County. He explained that the street lies immediately east of I-81 and extends from Old Furnace Road north to Route 724. The County has named its portion of the street Buffalo Drive and asks the City to do the same. It has been recommended for approval by City Staff. Vice-Mayor Lantz offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request to charge off delinquent utility bills incurred between the dates of June 1996 to March 1997. The letter stated that none of the accounts listed currently have service with the City of Harrisonburg. The amount to be written off is \$7,490.59. Council Member Green offered a motion to write off the list of delinquent accounts. 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 Parking Authority. These funds will be used for repairs to the Water Street parking deck which a truck damaged. The City is pursuing recovering these costs from the person responsible for the damages. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$60,000 chge. to: 2015-31010 Amount from fund balance

\$60,000 approp. to: 2015-410641-43360 Buildings & grounds

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

✓ Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a DMV grant to purchase a radar unit. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,500 chge. to: 1000-2520 DMV grant

\$1,500 approp. to: 1000-310131-46140 Other operation supplies

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

City Manager Stewart presented a request to transfer funds from the General Fund to the Capital Projects Fund. These funds will be used over a long range time frame for the City wide drainage study. Council Member Rogers offered a motion to approve the transfer of these funds.

\$124,196.70 chge. to: 1310-34210 Transfer from General Fund

\$124,196.70 approp. to: 1310-910141-48616 City Wide Drainage Program

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

Taines Rontopoulos thanked City Council for sending a letter to the State Corporation

Commission expressing his concern for the changes made by Columbia Gas Company. These changes were made in its procedure for connecting customers with gas service. Mr. Rontopoulos noted that apparently the State Corporation Commission was not aware of the changes made by Columbia Gas Company until receiving the letter from the City. He also expressed his appreciation for the change in the sign ordinance permitting menu board signs in downtown Harrisonburg.

Terry Turner, manager of Shelly's Truck Cab, Inc., expressed concern about the vandalism occurring on South Main Street.

City Manager Stewart said that he had received a telephone from a staff member of the State Corporation Commission indicating that they received the letter from the City. The staff member mentioned that the commission was not aware of the change in the gas company's policy. At face value it does not appear to violate the gas company tariff, but the City had raised some interesting safety concerns which they will pursue and the City will receive a response.

At 8:46 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Executive Committee of Central Shenandoah Planning District Commission, Central Shenandoah Planning District Commission, Social Services Advisory Board, Harrisonburg-Rockingham Regional Sewer Authority, and Community Services (Chapter 10) Board, and the evaluation of a City department, 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 probable litigation and a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 11:54 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 11:55 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

APRIL 28, 1998

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

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 of supplemental appropriations for the Police Department and Parking Authority. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart briefly reviewed the proposed 1998-99 budget. A presentation was made to Council on April 14, and this document has been available to the public. He reiterated there are no tax rates or general fund fees that will increase in the proposed 1998-99 budget. City Manager Stewart explained that in terms of expenditures the budget focuses on three primary functions, which include education, public safety and infrastructure. The proposed budget represents a 12.95% decrease in net expenditures from the 1997-98 budget as amended. He reviewed some of the 12 goals established at the August 1996 Council Planning Session. The City will continue to focus on economic development next year with the creation of a full-time Economic Development Department. There are considerable increases in marketing funds to market this community, to hopefully provide better and higher paying jobs for citizens in the community. The City is committed to public safety. The proposed Police Department budget will include adding four new police officers and a pilot program will begin in July allowing two police officers to take cruisers home with them. The Fire Department budget proposed hiring six new firefighters after January 1st. The City also wants to curtail bonded indebtedness by not issuing new general obligation bonds. The City also will take a stronger look at updating and revisiting our water supply to make sure that the City has an adequate water supply for the future. The General Fund revenue picture is brighter than last year in that revenues are projected to increase by \$2.7 million. The primary increase will occur in real estate and personal property revenues, business license revenues, and an increased contribution from Harrisonburg Electric Commission. He also noted that the City will be making a significant contribution to Rockingham County for the expansion of the joint landfill operation, landfill equipment and closing the City's existing landfill. The single largest transfer from the General Fund is for the schools which represents about 41% of the total general fund budget. The City's proposed increase to the school next year is \$900,000. There is also almost another \$130,000 in reduction from debt service that won't have to be spent for debt service next year that can go into instruction, administration, and the other classifications. There is about \$1,030,000 in additional funds that can be spent on items other than debt service. The reduction in debt service for next year resulted by paying off the debt for the VRS. Mr. Stewart reviewed debt service for the schools

during the last ten years, and he noted that the City has renovated the high school, built a new elementary school, made additions to the middle school, and made improvements to Waterman Elementary School. The City's total projected 1998-99 revenue from all property taxes (real estate and personal) including penalties and interest, is \$15,847,500. The City's proposed contribution to the school budget for next year is \$18,172,932. This amount does not include the fact that the City will be replacing two school buses at a cost of \$160,000. He reviewed the City's infrastructure, including replacing a 1982 fire truck, resurfacing streets, replacing equipment in the Public Works Department, replacing playground equipment at Westover Park, replacing the roof at Gilkerson Community Activity Center, replacing water mains, replacing two school buses, and replacing North Main Street Bridge.

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 Saturday, April 18, 1998.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 1999
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 28, 1998 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.

	1998-99 As <u>Proposed</u>	1997-98 As <u>Amended</u>
<u>Revenue-By Funds</u>		
General	44,177,507	43,189,692
School	30,021,870	29,902,645
General Capital Projects	987,300	11,751,804
School Capital Projects	-	976,937
Water Capital Projects	1,515,000	2,530,423
Sewer Capital Projects	1,800,000	1,768,584
Sanitation Capital Projects	400,000	1,008,792
Parking Authority Capital Projects	60,000	-
Water	4,914,677	4,783,798
Sewer	6,258,602	5,325,343
Public Transportation	3,175,271	2,822,417
Sanitation	6,439,640	5,496,869
Parking Authority	288,597	213,747
Central Garage	485,889	458,138
Central Stores Operating	<u>81,132</u>	<u>73,104</u>
Gross	100,605,485	110,302,293
Inter fund transfers	(26,333,032)	(25,257,210)

Net	<u>74,272,453</u>	<u>85,045,083</u>
<u>Expenditures - By Funds</u>		
General	44,177,507	43,189,692
School	30,021,870	29,902,645
General Capital Projects	987,300	11,751,804
School Capital Projects	-	976,937
Water Capital Projects	1,515,000	2,530,423
Sewer Capital Projects	1,800,000	1,768,584
Sanitation Capital Projects	400,000	1,008,792
Parking Authority Capital Projects	60,000	-
Water	4,914,677	4,783,798
Sewer	6,258,602	5,325,343
Public Transportation	3,175,271	2,822,417
Sanitation	6,439,640	5,496,869
Parking Authority	288,597	213,747
Central Garage	485,889	458,138
Central Stores Operating	<u>81,132</u>	<u>73,104</u>
Gross	100,605,485	110,302,293
Inter fund transfers	(26,333,032)	(25,257,210)
Net	<u>74,272,453</u>	<u>85,045,083</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 1998-99 budget.

Diane Foucar-Szocki, Chair of the Harrisonburg City Schools, appealed to Council to fully fund the board's proposed increase of approximately \$1.2 in the operating budget. She said if the Council's proposed budget is adopted, the School Board will have to cut its budget by \$220,059. In addition to this reduction, the School Board will have to further reduce identified areas of need in the budget by \$161,000. She requested that Council provide the \$900,000 to meet the schools' operational needs and also to add the additional \$161,000 for increased debt service. This would enable the school district to continue offering quality education for the City's students and make strives forward in technology, illiteracy and other instructional programs.

Dr. Don Ford, Superintendent of Harrisonburg City Schools, said that Harrisonburg has a long tradition of providing quality educational programs for children. He said, "I am happy to be a part of a school division in a City that understands the importance of good education and is willing to do what is necessary to continue that tradition." A feasibility study and condition report was completed by architects in January 1997 identifying significant repairs and renovations that were needed in the three older elementary schools at an estimated cost of \$8.8 million. It was determined that although some changes in the scope of work might occur, the report accurately depicted what needed to be done for the schools. He suggested that these building improvements to the three elementary schools be made over a three-year period rather than stretched out to 2006. He also noted that some improvements and renovations have been made including repairing roofs, replacing roofs, upgrading electrical service, water proofing school foundations, and computer networking at the schools. Bids have been submitted for exterior lighting and gutter and down spout replacement at some schools. There is still a lot to do and it will take a substantial financial commitment from Council to finish what has been started. Mr. Ford said that the estimated cost of the work remaining would be approximately \$8 million. He noted that no monies are better invested than those we invest in the future of our children.

Dr. Cathy Slusher said that she appreciated the addition of the Police Officers and Firefighters into the budget. These additions confirm the School Board request because where there are increased needs for Police Officers and Firefighters there are increased needs in our schools. She mentioned that many counties put 50% or more into their school budgets. There being no others desiring to be heard, the public hearing was declared closed at 8:05 p.m., and the regular session reconvened. City Manager Stewart clarified several of Dr. Slusher's comments by noting that counties do not provide the same range of services that City governments do. He said that percentages of total budgets compared from Cities to Counties is very misleading. When reviewing the per pupil expenditure, it is higher in the City than it is in Rockingham County on a local basis. Counties do not provide street maintenance, paid fire protection, City police protection, and do not provide door to door refuse pick-up. The City's budget is typically larger because of the range of services provided beyond just provision of schools. Council Member Rogers offered a motion to table approving the budget for a first reading until the next Council meeting because of the importance of the budget and possibly revisiting some of the issues and comments. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present. Mayor Eagle suggested that the School Board take another look at the 24.75 additional personnel that they have requested in the budget and provide some information for him to review.

✓ Taylor Howell, Manager of the local Virginia Employment Commission, presented the 1998 Plan of Service of Virginia Employment Commission for endorsement. He explained that the plan has been approved by the Virginia Employment Commission, the Government Employment Training Division, and the local SDA Council. He reviewed the special emphasis programs for this year including increasing job openings and referrals by 3% over the PY97 levels, labor exchange, and meeting or exceeding unemployment insurance programs. He also said that accomplishing some of the programs will be difficult due to the low employment in the area. They have instituted several different procedures in the office this year including cross-training all of the permanent staff. They have instituted mass claim filing for major employers in the area. Each VEC local office will be strengthening collaborative efforts with other state and local agencies through the Career Connect Workforce System. Virginia has been working with the Government Employment Training Division

to develop a web site called Career Connect. It will provide electronic linkage with different communities. Following further discussion and comments, Council Member Rogers offered a motion to endorse the 1998 Service Plan as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

✓ Planning and Community Development Director Turner introduced a request by Kenneth W. Gibson for approval of a Preliminary Plan, with a variance to Section 10-24-2(g) of the subdivision ordinance. This property is located at 1321 Port Republic Road. The applicant is requesting to vacate the interior lot lines shown on the earlier plat, and relocate the lot lines to create a usable lot. Proposed lot one would contain approximately 94 feet of lot width at the frontage. Proposed lot two would remain less than 50 feet in width, which is less than required; however, the overall square footage of both lots would exceed the 10,000 square foot minimum area requirements of the R-1 zoning classification. Before this property was annexed into the City, it had been surveyed as two parcels; however, since annexation it has been assessed as one parcel. This new subdivision would relocate the previous division line to divide this parcel into two and allow the lot in the back to be a vacant lot. It would be conveyed separately and developed with a single family home. She said that Planning Commission recommended approval of the request, except Mayor Eagle who abstained at the meeting. 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 Members present.

✓ City Manager Stewart presented a resolution for Council's consideration authorizing the issuance of general obligation bonds. He explained that these bonds in the amount of \$499,900 would allow the Housing Authority to acquire, rehabilitate and construct improvements on real estate owned by the authority. The Housing Authority will commit to refund the advance back to the City, subject to annual appropriations by the Redevelopment and Housing Authority. Mr. Stewart noted that this is a further opportunity for the City to participate in the redevelopment of downtown Harrisonburg. Vice-Mayor Lantz offered a motion to approve this resolution for a first reading and to schedule a public hearing on May 12th. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

✓ City Manager Stewart explained that the Virginia Municipal League is accepting nominations for its six policy committees. He also noted that the Executive Committee has made a change in the requirement for serving on the Policy Committee. In the past years, each jurisdiction has been allowed to nominate up to two (2) people for each committee consisting of either a City staff member, governing body member or a combination. This year the Executive Committee has stated that each local government may appoint up to two people per policy committee; however, one nomination for each policy committee should be an elected official. Since the City only has five elected Council Members, having a member of Council on each of the six committees would be impossible. Mr. Stewart explained that he had mentioned this fact to the VML, and they had not considered this point. Following further discussion and comments, Council Member Rogers offered a motion to submit these nominations to the Virginia Municipal League Policy Committee. Mike Collins to serve on the Environmental Quality Committee, Lester Seal and Steven Stewart to serve on the Finance Committee, Roger Baker and Stacy Turner to serve on the General Laws Committee, Larry Rogers to serve on the Human Development & Education Committee, Larry Shifflett to serve

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

✓ City Manager Stewart presented a request for a reallocation of current budget estimates. He explained that the court appointed attorney's budget is currently overspent. The City has very little control over this expenditure and must pay for attorneys appointed by the court. Council Member Rogers offered a motion to approve the transfer of these funds.

\$7,000.00 chge. to: 1000-121711-41050 Annual leave- Separation

\$7,000.00 chge. to: 1000-121711-41050 Sick leave - Separation

\$14,000.00 approp. to: 1000-330231-43151 Court appointed attorneys

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

✓ City Manager Stewart presented a request to transfer funds from a capital outlay in the traffic engineering's budget to the capital project's fund. This money will be used to install traffic lights at Neff Avenue & Reservoir Street. Vice-Mayor Lantz offered a motion to approve the transfer of these funds.

\$93,705.71 chge. to: 1000-410741-48111 Machinery & Equipment

\$93,705.71 approp. to 1000-990111-49216 Transfer to Capital Projects Fund

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

At 8:34 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, Social Services Advisory Board, Harrisonburg-Rockingham Regional Sewer Authority, and Community Services (Chapter 10) 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 probable litigation, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

At 9:45 p.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Rogers offered a motion that Stacy Turner be appointed to a term on the Central Shenandoah Planning District Commission to expire on June 30, 2001. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

At 9:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, Conc
CLERK

Rodney L. Eagle
MAYOR

REGULAR MEETING

MAY 12, 1998

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 Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

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

Council Member Byrd offered a motion to approve the minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to amend Article F. Definitions, and Section 10-3-47, Area and Dimensional Regulations, of the Zoning Ordinance. She explained that staff had received an inquiry from a developer regarding further subdivision of a single lot containing a four-unit apartment building. The initial inquiry received dealt with a building containing two units downstairs and two units upstairs which were separated down the middle by a firewall. The desire was to subdivide this property along the firewall into two separate lots. After reviewing the subdivision and zoning regulations specifically in the R-3 classification, it was decided that the current regulations did not specifically provide for this type of subdivision. Mrs. Turner said that although the developer who made this inquiry pointed out that this type of division had been approved in 1983, staff felt that it would be better for all concerned if the regulations clearly stated that subdivisions of quadraplex units in this manner were permitted. After reviewing the circumstances to determine if there was any reason why this would not be a wise change to make to the regulations, staff determined that subdividing a four-unit building into two or possibly even more lots would probably not present any problems. However, it was a concern that subdividing a building that contained more than four units might be too broad a change which could result in problems for existing homeowners. Specific types of problems that could be encountered if the owner of the end unit of a group of townhouses tried to add an apartment to their already existing dwelling, or if people who currently own duplexes that are separated into individual lots added an apartment. In these cases the neighboring residents might have felt safe that they were buying a dwelling attached to another single-family attached dwelling and adding apartments such as these and increasing the density could be objectionable to them. To limit this type of thing, it was decided to add an addition of quadraplex to the zoning ordinance and to provide lot and area dimensional regulations to allow the lots on which they are located to be further subdivided. She recommended that the definition of "dwelling, quadraplex" be added to state the following: "A type of attached multiple dwelling containing four attached dwelling units in one building, with each unit having a minimum of two outside walls and sharing one or more walls with an adjoining unit or units." These dwellings would be designed and constructed to permit individual and separate ownership of lots and dwellings or combinations of dwelling units. She said that Planning Commission recommended approval of the proposed change to the zoning ordinance.

At 7:40 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, April 27, and May 6, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 12, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Amendments and Changes:

Consider amending the following sections of the Harrisonburg Zoning Ordinance:

Article F. Definitions., Section 10-3-47. Definitions., and Section 10-3-47, R-3 Area and Dimensional Regulations.

The purpose of this request is to allow multi-tenant buildings to be divided along party walls and conveyed separately.

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

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Randy Harmon

representing Triple H Farms, developer of the Harmony Heights Subdivision, said that Harmony Heights has some R-3 zoned areas with duplex and quadraplex construction. The duplexes in Harmony Heights have been constructed with a firewall so different owners can own one building. He said they had been told in the past that if a quadraplex was constructed in such a way potentially those units could be separated off and sold. He noted that one individual would like to pursue selling off two units on one side of the firewall. He requested that City Council uphold what the developer had been told in the past. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Council Member Green offered a motion to approve amending the zoning ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded vote of Council.

City Manager Stewart presented for Council's consideration a resolution authorizing the issuance of general obligation bonds for a second reading. He explained that these bonds for \$499,900 would allow the Housing Authority to acquire and rehabilitate improvements on real estate in the downtown area. The Housing Authority will commit to refund the advance back to the City, subject to annual appropriations by the Housing Authority.

At 7:43 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 Friday, April 24, and May 1, 1998.

NOTICE OF PUBLIC HEARING ON PROPOSED ISSUANCE OF BONDS BY THE CITY OF HARRISONBURG, VIRGINIA

Notice is hereby given that the City of Harrisonburg, Virginia (the "City"), 345 South Main Street, Harrisonburg, Virginia 22801, will hold a public hearing pursuant to §15.2-2606 of the Code of Virginia for the issuance of the City's bonds in an amount not to exceed \$500,000 to assist the Harrisonburg Redevelopment and Housing Authority (the "Authority"), 286 Kelley Street, Harrisonburg, Virginia 22802, in acquiring, rehabilitating and constructing improvements on real estate owned by the Authority. The public hearing which may be continued or adjourned, will be held at 7:30 o'clock p.m. on May 12, 1998, before the City Council in the council chamber at the Municipal Building, 345 South Main Street, Harrisonburg, Virginia 22801. Any person interested in the issuance of the bonds may appear and present their views.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak on this resolution. There being no one desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this resolution for a second reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

Council Member Rogers explained that at the last Council meeting, he had made a motion to table action on the budget until tonight to consider the comments made concerning the School budget and to make sure all Council Members were present for the vote. He said that the budget is one of our most important responsibilities as elected officials and everyone at this table takes that responsibility very seriously. "I, as I know all of my colleagues on Council, have been carefully reviewing the proposed budget in light of comments made at the public hearing." I have reached the following conclusions: The budget provides in excess of one million dollars in new local dollars that can be used for operating costs of the Schools. Based on an average daily membership of 3,625 students next year, the City's appropriation of \$18,172,932 equals more than \$5,000 per student in local dollars. Also, by Council's foresight earlier this year in paying off taxable debt that had been issued for the School's VRS early retirement, \$161,000 has been made available in the School budget that can be used to leverage as much as 1.6 million dollars for elementary school renovations. However, if the School Board at some point decided that it didn't want the \$161,000 to be able to get about 1.6 million dollars for School renovations, it could request that Council transfer the money out of debt service into another budget classification. Of course, that would leave no money budgeted for School renovations. The Schools will receive in excess of \$170,000 in state and federal funds for operating costs that they had not anticipated when the City first considered its proposed level of local funding. The Schools will receive at least \$250,000 from the state in each of the next two (2) fiscal years for school construction or renovation. Again, this funding had not been approved when the City first considered its proposed level of local funding. As a reminder, everyone should recall that Council appropriated \$490,000 at the end of the last fiscal year and another \$490,000 in July 1997 for school renovations, which has not yet all been spent. Council Member Rogers offered a motion that the 1998-99 appropriation ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council. Vice-Mayor Lantz commented that Council Member Rogers had made some very good points and noted that Council had spent a lot of time reviewing the proposed budget. Council will continue its commitment to look at year end revenues to see if they can make additional one-time funding available to the schools.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA AUTHORIZING, AMONG OTHER THINGS, THE ISSUANCE OF
INDUSTRIAL DEVELOPMENT AUTHORITY OF ROCKINGHAM COUNTY,
VIRGINIA RESIDENTIAL CARE FACILITY FIRST MORTGAGE REVENUE BONDS
(VIRGINIA MENNONITE RETIREMENT COMMUNITY), SERIES 1998A AND
INDUSTRIAL DEVELOPMENT AUTHORITY OF ROCKINGHAM COUNTY,
VIRGINIA RESIDENTIAL CARE FACILITY FIRST MORTGAGE REVENUE BONDS
(VIRGINIA MENNONITE RETIREMENT COMMUNITY), SERIES 1998B
EXTENDABLE RATE ADJUSTABLE SECURITIES _ (EXTRAS _)

WHEREAS, the City of Harrisonburg, Virginia (the "City") is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitutional and laws of the Commonwealth of Virginia; and

WHEREAS, the Industrial Development Authority of the County of Rockingham, Virginia (the "Authority") is a political subdivision of the Commonwealth of Virginia and is authorized under Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to acquire, improve, maintain, equip, own and sell medical facilities and facilities for the residence or care of the aged within or without the municipality creating the Authority to protect and promote the health and welfare of the inhabitants of the Commonwealth of Virginia, and is further authorized to lease or sell to others any or all of its facilities, to issue its bonds and notes for the purpose of carrying out any of its powers, to loan the proceeds thereof for the purposes set forth in the Act, to mortgage and pledge any or all of its facilities, whether then owned or thereafter acquired, as security for the payment of the principal of and interest on any such bonds and notes and any agreements made in connection therewith and to pledge the revenues and receipts from the leasing or sale of such facilities, or from any other source, to the payment of such bonds and notes; and

WHEREAS, the Authority has previously issued its Health Care Facility Revenue Bond (Virginia Mennonite Home, 1995) (the "Series 1995 Bond"); and

WHEREAS, the Series 1995 Bond was issued to refund (a) the outstanding Health Care Facility Revenue Bonds (Virginia Mennonite Home, Inc. Project) of the Industrial Development Authority of the City of Harrisonburg, Virginia (the "Prior Bonds") and (b) the outstanding principal of a Refunding Note issued by Virginia Mennonite Home, Inc. ("VMH"), a not-for-profit Virginia nonstock corporation and a controlled affiliate of Virginia Mennonite Retirement Community, Inc. ("VMRC"), a not-for-profit Virginia nonstock corporation, the proceeds of which were used to refund a portion of the Prior Bonds; and

WHEREAS, the Prior Bonds were issued to finance the acquisition, construction and equipping of a 120-bed intermediate care and skilled nursing facility for the aged in the City for the benefit of VMH (the "Oak Lea Nursing Home"); and

WHEREAS, Park Village, Inc. ("PVI") is a not-for-profit Virginia nonstock corporation and a controlled affiliate of VMRC; and

WHEREAS, Virginia Mennonite Foundation, Inc. ("VMF") is a not-for-profit Virginia nonstock corporation and a controlled affiliate of VMRC; and

WHEREAS, the Authority has, by resolution adopted on May 4, 1998 (the "Authority Resolution"), authorized the issuance of two series of its revenue bonds for the purpose of providing funds, together with other available funds, to (I) finance the costs of (a) the construction and equipping at an existing multi-facility retirement community located in the City (the "Campus") of (1) an apartment building consisting of 88 independent living apartments, kitchen facilities and shopping and common areas to serve the entire Campus

("Park Gables"), (2) an adult care residence consisting of approximately 81,820 square feet and 86 adult care beds to replace the existing Woodland Home for Adults located on the Campus and consisting of 80 adult care beds (the "New Adult Care Facility"), (3) a wellness center consisting of approximately 26,125 square feet to serve the entire Campus (the "Wellness Center") and (4) enclosed walkways connecting the facilities on the Campus (the "Walkways") and (b) the renovation of certain existing facilities on the Campus (the "Campus Renovations" and, collectively, the "1998 Project"), (ii) pay a portion of the interest accruing on said revenue bonds during the period of construction of the 1998 Project, (iii) refund the Series 1995 Bond, (iv) fund a debt service reserve fund for said revenue bonds and (v) pay certain expenses incurred in connection with the authorization and issuance of said revenue bonds; and

WHEREAS, the Oak Lea Nursing Home is, and the New Adult Care Facility and the Wellness Center will be, owned by VMHI and operated by VMRC; Park Gables will be owned by PVI and operated by VMRC; the Walkways and the Campus Renovations will be operated by VMRC; and the Oak Lea Nursing Home is, and Park Gables, the New Adult Care Facility, the Wellness Center, the Walkways and the Campus Renovations will be, located at 1501 Virginia Avenue, Harrisonburg, Virginia; and

WHEREAS, the City Council of the City (the "City Council") must first approve the issuance of said revenue bonds before the Authority can proceed with the financing; and

WHEREAS, the Authority has delivered or caused to be delivered to the City Council the following: (I) a reasonably detailed summary of the comments expressed at the public hearing held by the Authority in connection with the issuance of said revenue bonds, (ii) a fiscal impact statement in the form specified in Section 15.2-4907 of the Act, and (iii) a copy of the Authority Resolution, which constitutes the request of the Authority that the City Council concur with the adoption of the Authority Resolution and the recommendation of the Authority that the City Council approve the financing of the 1998 Project, the refunding of the Series 1995 Bond and the issuance of said revenue bonds; and

WHEREAS, the City Council has determined that it is necessary at this time to approve the issuance by the Authority of said revenue bonds to promote the improvement of health and living conditions of the people of the City and the Commonwealth of Virginia, increase opportunities for gainful employment, assist in the acquisition, construction, equipping, expansion, enlargement and improvement of facilities for the residence or care of the aged of said City and Commonwealth and otherwise aid in improving the prosperity and welfare of said City and Commonwealth;

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

Section 1. The City Council hereby authorizes the issuance by the Authority of its Residential Care Facility First Mortgage Revenue Bonds (Virginia Mennonite Retirement Community), Series 1998A (the "Series 1998A Bonds") and its Residential Care Facility First Mortgage Revenue Bonds (Virginia Mennonite Retirement Community), Series 1998B Extendable Rate Adjustable Securities _ (EXTRAS _) (the "Series 1998B Bonds" and, together with the Series of 1998A Bonds, the "Bonds"), in the aggregate principal amount of \$37,450,000.00, for the purpose of providing funds, together with other available funds, to (a) refund the Series 1995 Bond, (b) pay the costs of the 1998 Project, (c) pay a portion of the interest accruing on the Bonds during the period of construction of the 1998 Project, (d) fund a debt service reserve fund for the Bonds and (e) pay certain expenses incurred in connection with the authorization and issuance of the Bonds.

Section 2. The City Council hereby concurs with the adoption of the Authority Resolution.

Section 3. The Mayor, the City Manager and the Clerk or any Deputy Clerk to the City Council are hereby authorized and directed, on behalf of the City, to take any and all action necessary, including the execution of any documents, to consummate the issuance and sale of the Bonds in conformity with the provisions of this

resolution.

Section 4. This Resolution shall take effect immediately upon its passage.

Date Rodney L. Eagle, Mayor

Attest:

Clerk of City Council

—

/ Service mark of Ziegler Securities, a Division of B.C. Ziegler and Company

City Manager Stewart explained that this resolution would allow the Industrial Development Authority of Rockingham County to issue bonds for the Virginia Mennonite Retirement Community. Approval of this resolution does not obligate the City in anyway nor does it count against the City's bond capacity. Because the City will be using its "bank qualified" status for borrowing money for other projects in the 1998-99 budget, it cannot exceed \$10 million in a single fiscal year.

Carolyn Perry

, attorney with the law firm of Wharton, Aldhizer and Weaver, said that City Council approval is required by law since VMRC and its affiliates are located within City limits. This approval will not impact or affect in any way the bank qualifying eligibility of the City of Harrisonburg. Ms. Perry presented the following documents to City Council: copy of the Notice of Publication for the public hearing held by the Industrial Development Authority of Rockingham County; copy of the Summary of Comments from the public hearing; copy of the Fiscal Impact Statement; copy of the May 4 and May 11 Resolutions of the Rockingham Authority. She reviewed the bond counsel and underwriters' counsel for VMRC bonds and said that the \$37.4 million bond has been sold. Ms. Perry asked Vice-Mayor Lantz to abstain and not vote or discuss this issue since he is a member of the firm of Wheat First Union Security. Council Member Rogers offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd, and approved with a recorded four to zero vote with Vice-Mayor Lantz abstaining.

Sheryl Wyse, 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. Ms. Wyse 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. Each program has 16 children, a teacher and an assistant which are required by law. Council Member 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.

Public Transportation Director Smith presented a request for approval of Disadvantaged Business Enterprise Policy and Plan for the Harrisonburg Transit. He explained that this plan is a Federal program which has been in existence for 15 years. Since the City receives more than \$300,000 in operating funds, it must have its own adopted plan and policy. It requires that 10% of the City's contracting opportunities with Federal funds be

awarded to disadvantaged businesses, minority, or women-owned businesses which are more than 50% owned by minorities. Mr. Smith said that the City can meet these requirements. Mr. Smith announced that a new City transit bus will be on display at the Community Transportation Association Trade Show in Albuquerque, New Mexico. The manufacturer liked the appearance of the City's bus rather than its demonstrator and requested permission to display the bus. Council Member Byrd offered a motion to endorse this plan. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Assistant City Manager Baker presented a request authorizing the City Manager to sign a deed on behalf of the City. He explained that Harrisonburg Physical Therapy has acquired property, lot #72, on Reservoir Street that extends into the existing street. When they surveyed the lot #72, they discovered that it extended about halfway into Reservoir Street. Harrisonburg Physical Therapy would like to acquire a portion of lot #73 for parking. They are willing to exchange land the City owns for land necessary to improve Reservoir Street at Norwood Street. They will be paying all of the surveying and attorneys fees for closing and it will give the City an opportunity to have a better flow of traffic on Reservoir Street. Council Member Byrd offered a motion authorizing the City Manager to sign the deed as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the Office on Youth for additional funding. He explained that the General Assembly did appropriate \$35,000 for Harrisonburg and Rockingham County to establish an Office on Youth beginning July 1, 1998. At the September 23, 1997 meeting, City Council had approved supporting the Office on Youth by contributing \$5,000. However, because the state has an unusual way of determining the local match, the City will need to provide an additional \$834 to bring the total City and County match to \$11,667 rather than the \$8,750 as was previously determined. Council Member Rogers offered a motion to approve this request for additional funding. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a certified receipt of 1998 Council elections results provided by City Registrar Long.

Larry M. Rogers 947 Glen Loucks I

Hugh J. Lantz 927 Jeff Mellott I

Michael P. Key K80 Richard Pennington I

John Adams 1 Dan Plecker I

Kenneth Handrich 1 Robert Roberts J

Council Member Green offered a motion to accept the report. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Gregory Speck appeared before Council to request that the zoning ordinance be amended to prevent neighbors from parking vehicles, boats, or trailers on their lawn when the property has a driveway or garage suitable for parking these vehicles. There is nothing in the zoning ordinance to prevent these vehicles from being parked in the middle of the lawn. He asked Mayor Eagle to refer this matter to the Community Development Department or the Planning Commission for their consideration so he could avoid paying the \$300 fee for a formal application.

At 8:16 p.m., Council Member Byrd offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory

Board, Harrisonburg-Rockingham Regional Sewer Authority, and Community Services (Chapter 10) Board, and the evaluation of a City department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 9:55 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 9:56 p.m., there being no further business and on motion adopted the meeting was adjourned until 6:00 p.m. on May 19, 1998 at Massanutten Resort at which time Council planned to go into executive session to discuss economic development, evaluation of a City department and

consultation with the City Attorney.

The meeting reconvened at 6:00 p.m. Council Member Byrd offered a motion to go into an executive session for discussion and consideration of evaluation of a City department, economic development and consultation with the City Attorney concerning specific legal matters requiring the provision of legal advice by counsel, exempt from public meeting requirements pursuant to Section 2.1-344(A) 1., 5. And 7. of the Code of Virginia. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:02 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 11:03 p.m., there being no further business and on motion adopted the meeting was adjourned.

MAYOR

CLERK

cc: City Council

City Manager

Assistant City Manager

Director of Finance

Public Library

Charlene Rice

REGULAR MEETING

MAY 26, 1998

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-Chairman Homan called the Planning Commission to order in a joint Public Hearing meeting with City Council.

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 Council Member Byrd, and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner presented for Council's consideration an update of the City of Harrisonburg's Comprehensive Plan. She said that every five years the City is required by state code to review the plan. A citizen's review committee completed the Comprehensive Plan in 1991, which was adopted by City Council in March 1992. Mrs. Turner noted that Planning Commission, Carolyn Noel (Senior Planner) and various staff members of the Community Development Department have spent a lot of time in mapping and gathering information for the plan. She said that Planning Commission is recommending this draft document which does contain some changes and modifications; however, it closely resembles the plan that was adopted in 1992. A large part of the plan contains demography and statistical information which have been available for review in the Community Development Department. Mrs. Turner reviewed some of the major changes in the plan. Since a lot of the concerns, solutions, and strategies in the updated Comprehensive Plan are very similar to the existing plan adopted in 1992, Mrs. Turner said that she would focus on the major changes in the plan. She explained that under the history and historic background section, there was a concern that attention to disseminating information about the City's history, heritage and culture have been minimal, and that the City needed to develop a sense of place and history in the City. Also, to celebrate the City's history with events and educational/informational programs throughout the year. Some of the program strategies were to encourage development of the railroad museum, consider developing a regional agricultural history museum and create and maintain an historic district. Under cooperative planning in the population section of the concerns, Planning Commission added a new desired solution. It states there should be ways developed to attract retirees to the City. Although, the City has become attractive to retirees, it is not because of any marketing strategy. Under the population facility improvement section, Mrs. Turner said that we have been looking at the increases in the City population and what types of improvements of the infrastructure would be necessary. A desired solution would be to

determine what level and type of growth the City wanted and then provide an infrastructure system to support that level. Another new goal in the population section deals with multi cultural diversity, recognizing a concern that our population growth has created a more culturally diverse City; however, the assimilation of other cultures into our community has not been receiving adequate attention. A possible solution would be increase public awareness of the diversity in the community and encourage minority participation in the local government. Some of the program's strategies include encouraging support of community churches to address these issues, encouraging the hiring of bilingual employees especially in the Police and Social Service Departments, and encouraging area employers to address workplace diversity during employee orientation programs. We modified some of the housing opportunity sections to take out some of the strong wording about affordable housing and instead focus on providing housing opportunities for all citizens. She noted that there is a new concern that our existing housing stock is deteriorating. We would like to preserve the existing stock through better enforcement of development regulations to continue enforcing the building code requirements on a complaint basis, and also to actively seek grants and funds for preventing neighborhood decay. There was a concern about structural operation throughout the City including the City's need for evaluating the effectiveness and efficiency in working with the public. However, the desired solutions include consolidate services to minimize duplication, enhance customer service by being more user friendly and by providing better access to City related information. The City should consider providing a one-stop shop for government services and consider contracting services to private sector providers if it is cost effective and efficient. The City should also provide information on government services through brochures, telephone books or other marketing tools. Under quality of life, technology is another area of concern. The concern in the past has been and remains that cost to provide the quality of services expected by citizens and to meet state requirements, including environmental issues, are increasing annually. The desired solution is to utilize technology to maintain and enhance our present level and quality of City services without increasing costs, where possible, and to find ways to conserve and consolidate resources for City operations. A new program strategy in this area is for the City to continue evaluating current services provided by the City as compared with other jurisdictions in the area to remain competitive. The Harrisonburg transportation system is not conducive to non-vehicular modes of transportation. Planning Commission suggested that a desired solution should be trying to emphasis the use of mass transit especially during "off-peak" hours. Program strategies should include a marketing campaign to promote the City's mass transit system, exploring possibilities to introduce a route that connects downtown and the Valley Mall area, exploring the possibility of using transit buses for special purposes, such as transporting Massanetta Springs' conference attendees and Massanutten Resort's tourists to City attractions, exploring the possibility of introducing special routes and establishing times for more direct reroutes, historical tours, and transportation for major college and university events. City Council should explore the potential for facilities and impact fees for upgrading of facilities in developing areas. The City should also attempt to maximize the business community's relationship/partnership with City schools. There is a need to maintain area rail service in support of promoting tourism. There is a new concern under existing land multi-family housing and having an available infrastructure to support any zoning changes made to allow more dense multi-family development. Program strategies include encouraging the use of conditional zoning, encouraging public-private cost sharing for an infrastructure during rezoning cases, and including infrastructure impact as part of the staff report on all rezoning cases. Mrs. Turner said that at the March Planning Commission meeting, they noted

that more emphasis should be placed on employment of the disabled population. The concern is that on an average, 70% of persons with disabilities are unemployed. The solution would be encouraging private efforts such as Friendship Industries, Op-Shop and similar organizations to provide creative and innovate ways to enhance the employment opportunities for our City's disabled population. Program strategies could include City Council encouraging joint public/private efforts to provide additional job opportunities for our City's disabled community. The City Department of Economic Development should promote the availability of our community's disabled as part of a productive work force. Some minor changes were made to the City's land use guide classifications; however, no changes were made to the Low-Density Residential or Neighborhood Residential land use classification. A small change was made to Medium Density Residential category. This would be a policy to provide a mixture of dwelling types to include single-family, duplex, quadruplex, and apartment units adding in the words to include the potential for bed and breakfast inns if special uses were appropriate. Omitted was Planned Residential-High Density category because there was no land recommended in the previous Comprehensive Plan. The Light Industrial and General Industrial categories have been combined into one general land use category. Institutional uses have been separated from the "Public/Semi-Public" category. Institutional lands designated for development by certain nonprofit and public institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions which provide for the shelter and care of people. The only changes made to the Land Use guide, is taking the two industrial uses and combining them into the General Industrial land use category and separating institutional uses from the previous Public/Semi-Public category. Also, the area around Commerce Court has been changed from Commercial land use classification to the Medium Density Residential classification. We have also taken an area located on South Main Street between Weaver Avenue and Monument Avenue and changed it from a professional category to a planned business category. The area also around Stone Spring Village and portions adjacent to the Stone Spring Elementary School has been changed from Conservation/Recreation to Low Density Residential. The northwest corner of Mt. Clinton Pike and North Main Street has also been changed from Commercial to General Industrial which is in the general area of the City's new Industrial Park. The area behind Valley Mall has been changed from Planned Business to General Business. The area off of Rocco Avenue adjacent to Park Apartments has been changed from the Light Industrial category to Medium Density Residential. Mayor Eagle announced that the Comprehensive Plan will be referred to the Planning Commission for further review.

✓ At 7:50 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, May 11, and May 18, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council and the Harrisonburg Planning Commission will hold a joint Public Hearing on Tuesday, May 26, 1998, at 7:30 p.m., in the City Council Chambers to hear comments concerning the draft of the proposed Harrisonburg Comprehensive Plan Update. Individuals and group representatives are encouraged to speak. Written comments will be accepted.

Draft copies of the Comprehensive Plan Update may be studied in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m., and the Rockingham Public Library, 45 Newman Avenue.

This Hearing is being held in accordance with requirements of Section 15.2-446.1, Code of Virginia, 1950, as amended.

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

Bob Sullivan read the following letter: Mayor Eagle, Members of City Council, Planning Commissioners and City Staff, I would like first to thank you for continuing the work involved in updating the Harrisonburg Comprehensive Plan. Ten years ago in 1988, steps were taken to finally produce a well-documented, thorough study of Harrisonburg's past, present and projected needs of the future, which was then a look toward the 1990's and all the way to the year 2000 and even 2010. In March 1992, the document was officially adopted, Harrisonburg's Comprehensive Plan. My second expression of thanks is to the Planning Commission and planning staff for inviting me to review and update the "Early History of Harrisonburg" portion of the plan which begins on page two. Following that very brief description of our community's history, 22 historically significant and interesting structures are listed and briefly described. It is important to note that many other structures in Harrisonburg should probably be included, meaning that the 22 that are described only gives us a clue to the presence of much history in Harrisonburg. On page 92, a chart appears, listing "Concerns/Solutions/Strategies." The upper half of this page lists items dealing with the subject of "History." Areas of emphasis are listed as (1) Historic Preservation; (2) Downtown Revitalization, and (3) Historical Background. Under "Historic Preservation," "To preserve the historic and architectural character of selected structures throughout the City" is a desired solution. This idea has been recently implemented by both the local government (City & County) and by private enterprise including church congregations. By educating the public about the many historically and architecturally interesting buildings, we hope to see more preservation success stories. Under "Downtown Revitalization," I commend you for your recent efforts "to develop and be willing to commit resources to revitalize the downtown area" such as the remodeling of Rockingham Motor Company into the Rockingham Theater and the remodeling of Woolworth's into a restaurant and other retail space. The new street lights along Main Street are attractive and the flower beds are too. Under "Historical Background," the concern column states that "Attention to disseminating information about the City's history, heritage and culture has been minimal." I agree with this wording and with the items listed under "Desired Solution" and "Project/Program/Strategies." I would like to recommend that the City establish a Harrisonburg Historic Museum in the downtown area, and I urge the City to print more copies of the Walking Tour Brochure, "Harrisonburg: A City of Treasures." Other items I would like to briefly address are as follows: Figure 39 (Zoning Map) follows Page 90. Take the necessary steps to rezone from M-1 Industrial to R-3 Multiple Dwelling District that portion of the JMU property on the southeast side of I-81 where JMU's CISAT campus

is being built and where the JMU soccer fields are near Reservoir Street. Figure 46 (Land Use Guide Map) which follows page 108. This map shows all of JMU's land southeast of I-81 as "Public/Semi-Public." This supports the proposal to eliminate the M-1 Industrial Zone mentioned above. Figure 47 (Major Street Plan). I strongly support the various "outer loops" shown on the Major Street Plan. Thank you for granting me the time to address these topics with you this evening.

Gregory Speck encouraged Council not to consider a six-lane I-81 expansion plan or the recent announced VDOT eight-lane plan in conjunction with major alterations planned for at least three of the four existing Harrisonburg exits. He said adopting a Comprehensive Plan that is already obsolete is inappropriate. He said that he believed a primary mandate from both the City Council and City Planning Commission should be to preserve and protect the established quality of life for the citizens you govern and to undertake growth expansion and development with the largest possible perspective. He said that Dennis Morrison, a VDOT representative, had informed him that if City Council and Planning Commission would request a preliminary study to investigate the cost, benefits, and possible drawbacks of a new six-lane interstate from Mt. Crawford to Melrose, then the state will fund it. It could provide a clearer picture of what improvements are needed. It could also provide some Federal funds for the project from a \$200,000,000 highway bill passed by Congress. There being no others desiring to speak, the public hearing was closed at 8:03 p.m., and the regular session reconvened.

✓ City Manager Stewart presented for Council's consideration of approval the adoption of the 1998-99 Appropriation Ordinance for a second reading.

**APPROPRIATION ORDINANCE
OF THE CITY OF HARRISONBURG, VIRGINIA
For the Fiscal Year Ending June 30, 1999**

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1999. 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, 1999:

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 ninety-eight thousand, two hundred sixteen dollars (\$98,216) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$37,302
(2)	Other Operating Expenses	50,914
(3)	Capital Outlays	10,000

Paragraph Two - Office of City Manager (120111)

For the current expenses of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of two hundred seventy-four thousand, two hundred twenty-three dollars (\$274,223) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$188,468
(2)	Other Operating Expenses	85,755

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-five thousand, three hundred fifty-three dollars (\$45,353) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$45,353
-----	--------------------------	----------

Paragraph Four - Department 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 one hundred four thousand, nine hundred forty-six dollars (\$104,946) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$79,390
(2)	Other Operating Expenses	24,576
(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 three hundred fifty-one thousand, one hundred sixty-five dollars (\$351,165) is appropriated from the General Fund to be apportioned as follows:

		\$235,505
(1)	Personal Services	105,660
(2)	Other Operating Expenses	10,000
(3)	Capital Outlays	

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 fourteen thousand, one hundred dollars (\$14,100) is appropriated from the General Fund to be apportioned as follows:

		\$14,100
(1)	Other Operating Expenses	

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 three thousand, five hundred dollars (\$3,500) is appropriated from the General Fund to be apportioned as follows:

		\$3,500
(1)	Other Operating Expenses	

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 thirty-three thousand, seven hundred twelve dollars (\$333,712) is appropriated from the General Fund to be apportioned as follows:

		\$202,897
(1)	Personal Services	119,815
(2)	Other Operating Expenses	11,000
(3)	Capital Outlays	

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 sixty-nine thousand, one hundred sixty-seven dollars (\$269,167) is appropriated from the General Fund to be apportioned as follows:

	\$188,221
(1) Personal Services	77,946
(2) Other Operating Expenses	3,000
(3) Capital Outlays	

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:

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

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 one hundred forty-three thousand, five hundred seventy-five dollars (\$143,575) is appropriated from the General Fund to be apportioned as follows:

	\$34,201
(1) Personal Services	65,374
(2) Other Operating Expenses	44,000
(3) Capital Outlays	

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-nine thousand, two hundred thirty dollars (\$89,230) is appropriated from the General Fund to be apportioned as follows:

	\$64,421
(1) Personal Services	24,809
(2) Other Operating Expenses	

Paragraph Fourteen - 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-eight thousand, two hundred sixty-eight dollars (\$98,268) is appropriated from the General Fund to be apportioned as follows:

	\$60,536
(1) Personal Services	37,732
(2) Other Operating Expenses	

Paragraph Fifteen - 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, six hundred twenty thousand, six hundred twenty-nine dollars (\$3,620,629) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$2,411,551
(2)	Other Operating Expenses	1,037,072
(3)	Capital Outlays	172,006

Paragraph Sixteen - 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 three million, three hundred forty-seven thousand, one hundred thirty-five dollars (\$3,347,135) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,991,365
(2)	Other Operating Expenses	943,670
(3)	Capital Outlays	412,100

Paragraph Seventeen - 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 forty-six thousand dollars (\$46,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$46,000
-----	--------------------------	----------

Paragraph Eighteen - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of three hundred forty-two thousand, three hundred fifty dollars (\$342,350) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$234,771
(2)	Other Operating Expenses	105,579
(3)	Capital Outlays	2,000

Paragraph Nineteen - Animal Control (350131)

For the current expenses and capital outlays of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of ninety-one thousand, seven hundred eighty-one dollars (\$91,781) is appropriated from the General Fund to be apportioned as follows:

		\$22,775
(1)	Personal Services	48,006
(2)	Other Operating Expenses	21,000
(3)	Capital Outlays	

Paragraph Twenty - 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:

		\$900
(1)	Other Operating Expenses	

Paragraph Twenty-One - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of one hundred fifty-eight thousand, twenty-four dollars (\$158,024) is appropriated from the General Fund to be apportioned as follows:

		\$158,024
(1)	Other Operating Expenses	

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

For the current expenses and capital outlays of GENERAL ENGINEERING ADMINISTRATION, a division of the Department of Public Works, the sum of five hundred eighty-nine thousand, nine hundred three dollars (\$589,903) is appropriated from the General Fund to be apportioned as follows:

		\$355,412
(1)	Personal Services	143,491
(2)	Other Operating Expenses	91,000
(3)	Capital Outlays	

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

For the current expenses and capital outlays of STREET INSPECTION REPAIRS AND MAINTENANCE, a division of the Department of Public Works, the sum of three million, one hundred fifty-seven thousand, nine hundred sixty-three dollars (\$3,157,963) is appropriated from General Fund to be apportioned as follows:

		\$895,077
(1)	Personal Services	1,797,831
(2)	Other Operating Expenses	465,055
(3)	Capital Outlays	

Paragraph Twenty-Four - 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-Five - 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-Six - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of six hundred seventeen thousand, ninety-three dollars (\$617,093) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$234,608 |
| (2) | Other Operating Expenses | 262,485 |
| (3) | Capital Outlays | 120,000 |

Paragraph Twenty-Seven - 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 three hundred two thousand, five hundred thirty-one dollars (\$302,531) is appropriated from the General Fund to be appointed as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$151,223 |
| (2) | Other Operating Expenses | 100,308 |
| (3) | Capital Outlays | 51,000 |

Paragraph Twenty-Eight - Street Cleaning (420241)

For the current expenses and capital outlays of STREET CLEANING, a division of Public Works, the sum of three hundred sixteen thousand, five hundred eight dollars (\$316,508) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|-------------------|-----------|
| (1) | Personal Services | \$ 99,514 |
|-----|-------------------|-----------|

- | | | |
|-----|--------------------------|---------|
| | | 96,994 |
| (2) | Other Operating Expenses | 120,000 |
| (3) | Capital Outlays | |

Paragraph Twenty-Nine - 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-three thousand, seven hundred seventy-six dollars (\$33,776) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| | | \$17,906 |
| (1) | Personal Services | 12,870 |
| (2) | Other Operating Expenses | 3,000 |
| (3) | Capital Outlays | |

Paragraph Thirty - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of two hundred one thousand, five hundred eighty-nine dollars (\$201,589) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| | | \$19,383 |
| (1) | Personal Services | 107,206 |
| (2) | Other Operating Expenses | 75,000 |
| (3) | Capital Outlays | |

Paragraph Thirty-One - 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 twenty-nine thousand, four hundred sixty-nine dollars (\$229,469) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| | | \$229,469 |
| (1) | Other Operating Expenses | |

Paragraph Thirty-Two - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of ninety-four thousand, seven hundred thirty-four dollars (\$94,734) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| | | \$94,734 |
| (1) | Other Operating Expenses | |

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

For the current expenses of 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-Four - 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 fifty thousand, nine hundred twenty-three dollars (\$1,250,923) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$592,701 |
| (2) | Other Operating Expenses | 564,857 |
| (3) | Capital Outlays | 93,365 |

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

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of five hundred twenty-three thousand, seven hundred eighty-three dollars (\$523,783) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$228,741 |
| (2) | Other Operating Expenses | 132,292 |
| (3) | Capital Outlays | 162,750 |

Paragraph Thirty-Six - National Guard Armory (710571)

For the current expenses and capital outlays of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of sixty-nine thousand, five hundred seven dollars (\$69,507) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$27,771 |
| (2) | Other Operating Expenses | 38,236 |
| (3) | Capital Outlays | 3,500 |

Paragraph Thirty-Seven - 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-Eight - 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-nine thousand, six hundred eighty-three dollars (\$229,683) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$134,284 |
| (2) | Other Operating Expenses | 95,399 |

Paragraph Thirty-Nine - 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 forty-seven thousand, one hundred six dollars (\$47,106) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$23,263 |
| (2) | Other Operating Expenses | 23,843 |

Paragraph Forty - 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 twenty-four thousand, twenty dollars (\$124,020) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$83,589 |
| (2) | Other Operating Expenses | 39,081 |
| (3) | Capital Outlays | 1,350 |

Paragraph Forty-One - Zoning Administration (810221)

For the current expenses of ZONING ADMINISTRATION, a division of the Department of Community Development, the sum of sixty-five thousand, eight hundred fifty-four dollars (\$65,854) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$48,565 |
| (2) | Other Operating Expenses | 17,289 |

Paragraph Forty-Two - 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, two hundred ninety-two dollars (\$5,292) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,200
(2)	Other Operating Expenses	4,092

Paragraph Forty-Three - Economic Development (810521)

For the current expenses and capital outlays of the DEPARTMENT OF ECONOMIC DEVELOPMENT, the sum of one hundred fifty-three thousand, nine hundred sixty-nine dollars (\$153,969) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$54,997
(2)	Other Operating Expenses	81,472
(3)	Capital Outlays	17,500

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

For aiding the activities of independent, civic, charitable, and other organizations, the sum of seven hundred fifty-five thousand, five hundred fifty-eight dollars (\$755,558) is appropriated from the General Fund to be apportioned as follows:

43850	Central Shenandoah Planning District	\$7,946
45639	Office of Youth Services	5,000
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	44,470
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	246,280
47011 Rockingham County Library - Capital Outlays	200,000
47020 Upper Valley Regional Park Authority	30,000
47030 Juvenile Detention Home	84,862

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

For the payment of joint expenses, the sum of one million, five hundred fourteen thousand, four hundred fifty dollars (\$1,514,450) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc.	\$905,000
47071 Expense of Social Service District	609,450

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

For the payment of dues to Municipal Organizations. The sum of fourteen thousand, two hundred fifty dollars (\$14,250) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$14,250
----------------------------	----------

Paragraph Forty-Eight - 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, eight hundred seventy-three thousand, five hundred fourteen dollars (\$1,873,514) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$1,869,914
(2) Bank Handling Charges	3,600

Paragraph Forty-Nine - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-one million, eight hundred ten thousand, eight hundred sixty-four dollars (\$21,810,864) is appropriated from the General Fund to be apportioned as follows:

		\$987,300
(1)	General Capital Projects Fund	18,172,932
(2)	School Fund	27,216
(3)	Central Garage Fund	30,456
(4)	Central Stores Fund	558,960
(5)	Public Transportation Fund	2,028,996
(6)	Sanitation Fund	5,004
(7)	Parking Authority Fund	

Paragraph Fifty - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of one hundred thirty thousand dollars (\$130,000) is appropriated from the General Fund to be apportioned as follows:

	\$130,000
(1)	Reserve for Contingencies

S U M M A R Y

Expenditures and Revenues

Total General Fund Appropriation for the
Fiscal Year Ending June 30, 1999

\$44,177,507

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

Amount from Fund Balance	\$1,862,227
General Property Taxes	15,847,500
Other Local Taxes	17,617,845
Permits, Privilege Fees and Regulatory Licenses	257,650
Fines and Forfeitures	263,000
Revenue from use of Money & Property	550,100
Charges for Services	229,900
Miscellaneous Revenue	3,054,720
Recovered Costs	172,000
Non-Categorical Aid	745,615
Shared Expenses (Categorical-Aid)	223,920
Other Categorical-Aid State	2,306,469
Other Categorical-Aid Federal	27,561
Non-Revenue Receipts	1,000
Debt Issue Proceeds	385,000
Transfers from other Funds	<u>633,000</u>

Total General Fund Revenue

for the Fiscal Year Ending June 30, 1999

\$44,177,507

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, 1999:

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION OF THE DEPARTMENT OF EDUCATION, the sum of twenty million, five hundred eighty-one thousand, fifty-three dollars (\$20,581,053) is appropriated from the City School Fund to be apportioned as follows:

(1)	Instruction	\$20,581,053
-----	-------------	--------------

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 eighty-five thousand, six hundred eighty-nine dollars (\$1,485,689) is appropriated from the City School Fund to be apportioned as follows:

(1)	Administration/Attendance & Health Service	\$1,485,689
-----	--	-------------

Paragraph Three - Public Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT OF EDUCATION, the sum of seven hundred twenty-one thousand, one hundred nineteen dollars (\$721,119) is appropriated from the City School Fund to be apportioned as follows:

(1)	Pupil Transportation Service	\$721,119
-----	------------------------------	-----------

Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF EDUCATION, the sum of two million, six hundred forty-eight thousand, two hundred five dollars (\$2,648,205) is appropriated from the City School Fund to be apportioned as follows:

(1)	Operations and Maintenance	\$2,648,205
-----	----------------------------	-------------

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, five hundred thirty-two thousand, two hundred eighty-three dollars (\$1,532,283) is appropriated from the City School Fund to be apportioned as follows:

- | | | |
|-----|--|-------------|
| (1) | School Food Services & Other
Non Instructional Operations | \$1,532,283 |
|-----|--|-------------|

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, fifty-one thousand, five hundred twenty-one dollars (\$3,051,521) is appropriated from the City School Fund to be apportioned as follows:

- | | | |
|-----|---------------------------|-------------|
| (1) | Serial Bonds and Interest | \$3,051,521 |
|-----|---------------------------|-------------|

S U M M A R Y

Expenditures and Revenues

Total School Fund Appropriations for Fiscal Year Ending June 30, 1999	<u>\$30,021,870</u>
--	---------------------

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

Receipts from State School Funds	\$9,233,627
Revenue from Federal Funds	1,465,481
Receipts from other Funds	1,149,830
Transfers Receipts from City's General Fund	<u>18,172,932</u>
Total School Fund Revenue for the Fiscal Year Ending June 30, 1999	<u>\$30,021,870</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, 1999:

Paragraph One - Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of nine hundred eighty-seven thousand, three hundred dollars (\$987,300) appropriated as follows:

48609	Park Road Project	\$362,300
48615	North Main Street Bridge - Blacks Run	450,000
48616	City Wide Drainage Program	125,000
48617	Port Republic Road Street Improvement	50,000

S U M M A R Y

Expenditures and Revenues

Total General Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 1999	<u>\$987,300</u>
--	------------------

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

34210	Transfer from General Fund	\$987,300
Total General Capital Projects Fund Revenue For the fiscal Year Ending June 30, 1999		<u>\$987,300</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, 1999:

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one million, five hundred fifteen thousand dollars (\$1,515,000) is appropriated as follows:

48621	Western Raw Water Line	\$ 500,000
48622	Garbers Church/Silver Lake Pump Station	35,000
48628	WTP Expansion Project	500,000
48629	Groundwater Development Project	250,000
48630	Central Stores Building Project	50,000
48631	Park View Water Improvement	40,000
48632	Emergency Power Supply	30,000

48633 Smithland Road	40,000
48634 Water Main Oversize/Extend	50,000
48635 Water Main Upgrades	20,000

S U M M A R Y

Expenditures and Revenues

Total Water Capital Projects Fund Appropriations
for the Fiscal Year Ended June 30, 1999 \$1,515,000

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

34220 Transfer from Water Fund \$1,515,000

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, 1999:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of one million, eight hundred thousand dollars (\$1,800,000) is appropriated as follows:

48603 Washington Street Bridge & Street	\$ 50,000
48641 Blacks Run Interceptor	700,000
48642 Park View Sewer Improvement	50,000
48645 PHR&A I&I	300,000
48647 HRRSA WWTP Expansion	50,000
48648 Shandshill Pump Station	100,000
48649 Smithland Road	50,000
48650 Sewer Main Oversize/Extension	50,000
48651 Sewer Main Upgrades	50,000
48652 North Industrial Park	400,000

S U M M A R Y

Expenditures and Revenues

Total Sewer Capital Projects Fund Appropriation
for the Fiscal Year Ended June 30, 1999 \$1,800,000

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

34230 Transfer from Sewer Fund \$1,800,000

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 four hundred thousand dollars (\$400,000) is appropriated as follows:

48681 Landfill closure and monitoring	\$200,000
48682 Retro-Fit Steam Plant	200,000

SUMMARY

Expenditure and Revenue

Total Sanitation Capital Projects Fund appropriation for the Fiscal Year Ended June 30, 1999	<u>\$400,000</u>
--	------------------

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

34270 Transfer from Sanitation Fund	<u>\$400,000</u>
-------------------------------------	------------------

SECTION VII - PARKING AUTHORITY CAPITAL PROJECTS (1325)

That the following sum of money be and the same hereby are appropriated for Parking Authority Capital Projects purposes herein specified for the fiscal year ended June 30, 1999:

Paragraph One - Capital Projects (910641)

For the payment of capital expenditures of the Parking Authority Capital Projects Funds, the sum of sixty thousand dollars (\$60,000) is appropriated as follows:

48653 Rehabilitation of Parking Deck	\$60,000
--------------------------------------	----------

SUMMARY

Expenditure and Revenue

Total Parking Authority Capital Projects Fund appropriation
for the Fiscal year Ended June 30, 1999

\$60,000

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

34275 Trans. From Parking Authority Funds

\$60,000

SECTION VIII- 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, 1999:

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 two hundred thousand, four hundred eighty-five dollars (\$200,485) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$109,171
(2)	Other Operating Expenses	91,314

Paragraph Two - Pumping, Storage and Monitoring (322061)

For the current expenses of PUMPING, STORAGE AND MONITORING OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of four hundred five thousand, eight hundred eighty-seven dollars (\$405,887) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$49,654
(2)	Other Operating Expenses	356,233

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 thirty-four thousand, six hundred eighty-two dollars (\$634,682) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$378,354
(2)	Other Operating Expenses	256,328

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 forty thousand, five hundred nineteen dollars (\$140,519) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$83,801
(2)	Other Operating Expenses	56,718

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of eight hundred forty-six thousand, five hundred fifty-two dollars (\$846,552) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 9,300
(2)	Depreciation	692,928
(3)	Taxes, etc.	144,324

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 eighty-seven thousand, three hundred twenty-eight dollars (\$587,328) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$352,351
(2)	Other Operating Expenses	234,977

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred seventeen thousand dollars (\$217,000) is appropriated from the Water Fund to be apportioned as follows:

(1)	Capital Outlays	\$217,000
-----	-----------------	-----------

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, eight hundred eight-two thousand, two hundred twenty-four dollars (\$1,882,224) is appropriated from the Water Fund to be apportioned as follows:

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

	Data Processing	\$307,632
(2)	Water Capital Projects Fund	1,515,000
(3)	Central Garage Fund	31,752
(4)	Central Stores Fund	27,840

S U M M A R Y

Expenditures and Revenues

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1999	<u>\$4,914,677</u>
---	--------------------

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

Amount from Fund Balance	\$411,749
Permits, Privilege Fees and Regulatory Licenses	105,000
Revenue from use of Money & Property	144,000
Charges for Services	3,454,000
Recovered Costs	106,000
Miscellaneous Revenues	1,000
Transfers of depreciation	<u>692,928</u>

Total Water Fund Revenues for the Fiscal Year Ending June 30, 1999	<u>\$4,914,677</u>
---	--------------------

SECTION IX - 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, 1999.

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 eighty-three thousand, nine hundred thirty-four dollars (\$183,934) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$97,865
(2)	Other Operating Expenses	86,069

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 ninety-nine thousand, one hundred twenty-seven dollars (\$599,127) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$357,139 |
| (2) | Other Operating Expenses | 241,988 |

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of seven hundred thirty-two thousand, four hundred forty-four dollars (\$732,444) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|---------|
| (1) | Other Operating Expenses | \$3,300 |
| (2) | Depreciation | 604,968 |
| (3) | Taxes, etc. | 124,176 |

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-seven thousand, two hundred thirty-four dollars (\$147,234) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$74,034 |
| (2) | Other Operating Expenses | 73,200 |

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 fifty thousand, nine hundred seventy-six dollars (\$50,976) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$29,363
(2)	Other Operating	21,613

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-six thousand dollars (\$226,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Capital Outlays	\$226,000
-----	-----------------	-----------

Paragraph Eight - Indebtedness Requirement - Sewer Fund (482061)

For the payment of the City's share of interest and principal on HRRSA debt, the sum of one million, one hundred thirty-eight thousand, nine hundred thirty-nine dollars (\$1,138,939) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Serial Bonds, Interest, etc.	\$1,138,939
-----	------------------------------	-------------

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 two million, one hundred fifty-one thousand, nine hundred forty-eight dollars (\$2,151,948) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$297,372
(2)	Sewer Capital Projects Fund	1,800,000
(3)	Central Garage Fund	31,740
(4)	Central Stores Fund	22,836

S U M M A R Y

Expenditures and Revenues

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 1999	<u>\$6,258,602</u>
---	--------------------

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

Amount from Fund Balance	\$629,634
Permits, Privilege Fees and Regulatory Licenses	60,000

Revenue from use of Money & Property	120,000
Charges for Services	4,808,000
Recovered Costs	36,000
Transfers of depreciation	<u>604,968</u>
Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 1999	<u>\$6,258,602</u>

SECTION X - 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, 1999:

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, four hundred sixty thousand, five hundred twenty-seven dollars (\$1,460,527) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$751,260
(2)	Other Operating Expenses	634,267
(3)	Depreciation	75,000

Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of eight hundred ninety-nine thousand, four hundred sixty-nine dollars (\$899,469) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$462,933
(2)	Other Operating Expenses	376,536
(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 seventy-five dollars (\$62,275) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$10,000
(2)	Other Operating Expenses	2,271
(3)	Depreciation	50,004

Paragraph Four - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of seven hundred fifty-three thousand dollars (\$753,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlays	\$753,000
---------------------	-----------

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

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1999	<u>\$3,175,271</u>
--	--------------------

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

Charges for Services	\$1,289,536
Recovered Costs	2,000
Categorical Aid-Commonwealth	322,000
Categorical Aid-Federal	846,000
Miscellaneous Revenues	3,000
Transfers from General Fund and depreciation	<u>712,735</u>

Total Public Transportation Fund Revenues for the Fiscal Year ending June 30, 1999	<u>\$3,175,271</u>
--	--------------------

SECTION XI - 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, 1999:

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 seventy-two thousand, four hundred fifteen dollars (\$172,415) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 33,012
(2) Other Operating Expenses	139,403

Paragraph Two - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of one million, two hundred fifty thousand, forty-two dollars (\$1,250,042) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$539,787
(2)	Other Operating Expenses	710,255

Paragraph Three - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred sixty-three thousand, eight hundred seventy-one dollars (\$463,871) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$269,067
(2)	Other Operating Expenses	194,804

Paragraph Four - Sanitary Landfill (932042)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of one million, three hundred seven thousand, three hundred ninety-six dollars (\$1,307,396) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 24,748
(2)	Other Operating Expenses	1,282,648

Paragraph Five - Miscellaneous (942042)

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 three hundred ninety-seven thousand, five hundred eighty-four dollars (\$397,584) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$231,712
(2)	Other Operating Expenses	165,872

Paragraph Seven - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of eighty thousand dollars (\$80,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Capital Outlays	\$ 80,000
-----	-----------------	-----------

Paragraph Eight - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of two million, twenty-one thousand, four hundred seventy-two dollars (\$2,021,472) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Serial Bonds and Interest	\$2,021,472
-----	---------------------------	-------------

Paragraph Nine - Transfers (990242)

For transfers to Capital Projects for landfill closure and monitoring costs of the Sanitation Fund. The sum of four hundred thousand dollars (\$400,000) is appropriated from the Sanitation Fund to be apportioned as follows.

(1)	Transfers to Sanitation Capital Projects Fund	\$400,000
-----	--	-----------

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

Total Sanitation Fund appropriations for the Fiscal Year Ending June 30, 1999	<u>\$6,439,640</u>
--	--------------------

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

Amount from Fund Balance	\$446,808
Revenue from use of Money & Property	160,200
Charges for Services	2,030,000
Recovered Costs	1,594,636
Miscellaneous Revenues	35,000
Transfers from General Fund, depreciation, etc.	<u>2,172,996</u>

Total Sanitation Fund Revenues for the Fiscal Year Ending June 30, 1999	<u>\$6,439,640</u>
--	--------------------

SECTION XII - 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, 1999:

Paragraph One - Parking Authority (410641)

For the current expenses and capital outlays and transfers of the PARKING AUTHORITY, a division of the Parking Authority Fund, the sum of two hundred eighty-eight thousand, five hundred ninety-seven dollars (\$288,597) is appropriated from the Parking Authority Fund to be apportioned as follows:

(1)	Personal Services	\$70,228
(2)	Other Operating Expenses	112,373
(3)	Capital Outlay	18,000
(4)	Transfers	87,996

S U M M A R Y

Expenditures and Revenues

Total Parking Authority Fund Appropriations for the Fiscal Year Ending June 30, 1999	<u>\$288,597</u>
---	------------------

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

Amount from Fund Balance	\$71,843
Fines and Forfeiture	70,000
Revenue from use of money and property	25,000
Charges for Services	116,700
Recovered Costs	50
Transfers from General Fund	<u>5,004</u>

Total Parking Authority Fund Revenues for the Fiscal Year Ending June 30, 1999	<u>\$288,597</u>
---	------------------

SECTION XIII - 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, 1999:

Paragraph One - Operating (612141)

For the current expenses and capital outlays of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of four hundred eighty-five thousand, eight hundred eighty-nine dollars (\$485,889) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Personal Services	\$341,351
(2)	Other Operating Expenses	139,538
(3)	Capital Outlays	5,000

SUMMARY

Expenditures and Revenues

Total Central Garage Fund appropriations for the Fiscal Year Ending June 30, 1999	<u>\$485,889</u>
--	------------------

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

Charges for Services	\$395,181
Transfers	<u>90,708</u>

Total Central Garage Fund Revenue for the Fiscal Year Ending June 30, 1999	<u>\$485,889</u>
---	------------------

SECTION XIV - 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, 1999:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of eighty-one thousand one hundred thirty-two dollars (\$81,132) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)	Personal Services	\$46,306
(2)	Other Operating Expenses	34,826

SUMMARY

Expenditures and Revenues

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1999	<u>\$81,132</u>
--	-----------------

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

Transfers from other Funds	<u>\$81,132</u>
Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 1999	<u>\$81,132</u>

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XIV
IN THIS ORDINANCE
FOR THE FISCAL YEAR ENDING JUNE 30, 1999
RECAPITULATION

Section I	General Fund	\$44,177,507
Section II	School Fund	30,021,870
Section III	General Capital Projects Fund	987,300
Section IV	Water Capital Projects Fund	1,515,000
Section V	Sewer Capital Projects Fund	1,800,000
Section VI	Sanitation Capital Projects Fund	400,000
Section VII	Parking Authority Capital Projects	60,000
Section VIII	Water Fund	4,914,677
Section IX	Sewer Fund	6,258,602
Section X	Public Transportation Fund	3,175,271
Section XI	Sanitation Fund	6,439,640
Section XII	Parking Authority Fund	288,597
Section XIII	Central Garage Fund	485,889
Section XIV	Central Stores Fund	<u>81,132</u>
TOTAL APPROPRIATIONS		<u>\$100,605,485</u>

SECTION XV

All of the monies appropriated as shown by the contained items in Sections I through XIV 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, 1998 and one half on or before June 5, 1999, 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 1998; 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, 1998 and one half on or before June 5, 1999. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided in such section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.)

That the salaries, wages and allowances set out in detail in the budget statement and in the document entitled "Positions Grouped By Pay Grade-Effective 7/1/98", and adopted by the City Council for the fiscal year beginning July 1, 1998, and ending June 30, 1999, 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 within and between funds 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, 1998.

Given under my hand this _____ day of _____, 1998.

MAYOR

CLERK

Council Member Green offered a motion to approve the 1998-99 Appropriation Ordinance for a second reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

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 Bradley L. Price for approval of a Preliminary Plat of "Pheasant Run Crossing" including a variance to Section 10-2-42(d) of the subdivision ordinance, which states that all lots shall front on a public street. She explained that the applicant is seeking approval of a preliminary plat to construct 143 four-bedroom townhouses on individual lots on approximately 17.9 acres. The applicant is requesting a variance to Section 10-2-42(d) of the subdivision ordinance requiring that all lots front on a public street. This particular site was rezoned from M-1 General Industrial District to R-3 Multiple Dwelling on December 16, 1997. The property bordering the site on three sides is zoned M-1 General Industrial District and the remaining adjacent land is zoned R-1 Single-Family Residential District and R-3 Multiple-Dwelling Residential District. The property is surrounded by a variety of industrial uses including Valley Blox, Rocco Hatchery, Harman Enterprises, Rockingham Livestock Sales, and the City-owned Purcell Park. This proposed development density of 7.97 units per acre falls within the limit of eight units per acre, which was proffered in connection with the rezoning. The four-bedroom townhouses are located on individual lots and will be offered for sale to individual buyers. The preliminary plat shows that 575 parking spaces will be provided to serve the development, which exceeds the 501 spaces required by the zoning ordinance. The preliminary plat also proposes access to the development from Rocco Avenue, which will require that the developer upgrade the street to meet City standards. Access to the individual townhouses is by means of a private parking lot, although the plan of development submitted with the rezoning request showed that the lots would be served by a public street. Fronting the lots on a private parking lot will require a variance to the subdivision ordinance requirements that all lots front on a public street. Emergency access for police, fire, and rescue vehicles must be maintained at all times. She said that Planning Commission with the exception of Mayor Eagle who abstained, recommended approval of the requested variance, based upon similar situations that exist throughout the City. Mrs. Turner said that these townhouse would be marketed mostly to college students. 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 Members present. Mayor Eagle returned to Council Chambers and resumed chairing the meeting.

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

**RESOLUTION
IN RECOGNITION OF THE
BIRTHDAY OF THE UNITED STATES ARMY**

WHEREAS, The United States Army was established by the Second Continental Congress on the 14th day of June, 1775; and

WHEREAS, The Congress directed that "...two companies of expert riflemen be immediately raised ...in Virginia...as soon as compleated, march and join the army near Boston, to be there employed as light infantry..." to assist our brethren in expelling the tyranny of the British Army; and

WHEREAS, The United States Army remains the primary military service to protect and establish land power in the defense of our citizens' freedoms and our nation's security interests; and

WHEREAS, Many citizens of western and southwestern Virginia have served their nation and given the ultimate sacrifice in defense of our freedoms, as members of the United States Army; and

WHEREAS, It is proper to recognize the United States Army annually on its birthday, and to thank those who have served and those who are presently serving. Therefore be it ;

RESOLVED, That the Council of the City of Harrisonburg, Virginia, does recognize the United States Army on the 223rd anniversary of its establishment, and expresses its gratitude to those who have served and those who are now serving to protect our nation and its freedoms;

AND DECLARES; that the period from June 7 through June 14, 1998, be known as United States Army week, and that the weekend of June 13 and 14, 1998 be set aside as Army Birthday Weekend;

AND FURTHER, Invites all of the citizens of the City of Harrisonburg, Virginia, and of the surrounding areas to join the Virginia Army National Guard, the Army Reserve and the components of the Active Army, along with the Thomas J. 'Stonewall' Jackson Chapter of the Association of the United States Army in their display and show of today's Army at the National Guard Armory and vicinity on Reserve Avenue, Roanoke, during the 13th and 14th of June, 1998.

Date

Rodney L. Eagle, Mayor

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

At 8:16 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Harrisonburg-Rockingham Regional Sewer Authority, and Community Services (Chapter 10) Board, 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. Consultation with the City Attorney 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, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 9:38 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 confirm Stacy Turner as the Zoning Administrator for the City of Harrisonburg. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING

JUNE 9, 1998

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

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading amending Article F. Definitions, and Section 10-3-47. R-3 area and dimensional regulations of the Zoning Ordinance. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
 Council Member Rogers
 Council Member Green
 Mayor Eagle

No - None

Absent: Vice-Mayor Lantz

Mayor Eagle announced that a public hearing to consider a rezoning request by Ham Design and Construction Company has been postponed to a later date.

✓ Planning and Community Development Director Turner introduced a request by Lantz-Eby Enterprises to rezone 19.00 acres at the intersection of Mount Clinton Pike and Acorn Drive from M-1 General Industrial District to B-2 General Business District (conditional). She explained that the Comprehensive Plan Land Use Guide recommends this area for continued industrial land use. The subject property lies in the middle of one of the City's largest undeveloped industrial areas. These 19.00 acres will only be used to develop a cultural center, family restaurant, conference center, and lodging facility. The cultural center is intended to highlight the history and culture of the Mennonite and Brethren people and their influence on this part of Virginia and parts of the world. The cultural center will provide educational programs for visitors and will sell items related to Mennonite and Brethren history, including books and videos. The lodging and restaurant facilities will accommodate the needs of the visitors to their facility and the local population. She said that based on the submitted proffers, Planning Commission recommended approval of the request.

✓ At 7:40 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 Tuesday, May 26, and Monday June 1, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 9, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Rezoning:

3. Request by Lantz-Eby Enterprises to rezone 39.26 acres bounded by Acorn Drive, Mt. Clinton Pike, and North-Liberty Street from M-1 General Industrial District to B-2 General Business District (conditional). The site is identified as a portion of lot 45-A-4 on the City of Harrisonburg's block maps. The Comprehensive Plan recommends the site for General 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 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 desiring to speak for or against this rezoning request.

Wallace Hatcher, general partner for Lantz-Eby Enterprises, said that this rezoning would enhance the area and assist the development of the Meadowbrook Corporate Center surrounding the 19.00 acres. The businesses locating in the new technology zone have indicated a desire to have this type of facility supporting their activities. It will also attract industry into the area with these support facilities. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this rezoning request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

✓ Planning and Community Development Director Turner introduced a request by Marvin D. Rhodes and Carilion Health System to rezone 6.931 acres on South Main Street from R-2 Residential District to B-2 General Business District (conditional). She explained that the Land Use Guide recommends this property for planned residential - medium density use. The primary intent by Carilion Health System is to locate professional and medical offices on the property; however, it is

not the only thing being proffered as potential use. The five parcels that comprise the subject parcel are zoned R-2. A single-family home and outbuildings are located on lot 7; however, the remainder of the property lies vacant. It is surrounded by a variety of zonings including single-family homes zoned R-2, Hartman Motor Sales zoned B-2, Rocco Hatchery zoned M-1 and single-family homes zoned R-1. In connection with the proposed rezoning, the applicants have submitted a list of proffers intended to minimize impact on neighboring residential areas. Mrs. Turner reviewed the proffers which include that the property will only be used for government-business offices, professional offices, and financial institutions. These proffers also include recreational uses directly related to provision of health care, medical or rehabilitative, or wellness service and related uses. She said that any of the tracts currently zoned R-1 adjoining the subject property will have an appropriate buffer constructed along the boundary lines. With regard to the border parcel 5A and lots 1 through 6 fronting on South Main Street, a similar buffer to that proffered above shall not be currently required, but shall be constructed when and if development of 5A occurs in the future. There will be no outside storage of any materials, other than a sanitary dumpster, which will be contained in an enclosed area and screened from neighboring properties. All light fixtures to be located in the rear section of the subject property shall be of the type and design as to direct the illumination away from the rear boundary line, and no structures in excess of 40 feet in height will be constructed. Mrs. Turner said at the Planning Commission's public hearing quite a few people spoke in opposition to the request and cited many concerns. Since that meeting Carilion and their attorneys have met with some of the surrounding property owners to further discuss the issues. Planning Commission recommended approval of the rezoning with a four to two vote. The two people who voted in opposition felt that there was not enough information provided to make a decision, and that they would like some more discussion between the neighbors and the applicants.

At 7:49 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 Tuesday, May 26, and Monday June 1, 1998.

NOTICE OF PUBLIC HEARING

✓ The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 9, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Rezoning:

1. Request by Marvin D. Rhodes, et, at., and Carilion Health System to rezone 6.931 acres from R-2 Residential District to B-2 General Business District (conditional). The properties involved are identified as parcels 10(B)5a, 7, 8, 9, and 9a, on the City of Harrisonburg's block maps. The parcels are located at 1661, 1671, and 1681 South Main Street. The Comprehensive Plan recommends the site for planned residential-medium density 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 desiring to speak for or against this rezoning request.

Todd Rhea, attorney with the law firm of Clark & Bradshaw, said that he has been working with Carilion Health System and the Rhodes family who are the joint applicants for this rezoning. He noted that some steps have been taken to address the concerns raised by City staff and landowners in their petitions and letters to the City. As the preliminary proposed site plan indicates, the initial phase of development is planned to occur solely on South Main Street with the vacant properties not slated for current development. The Rhodes family has marketed these properties as a package deal because selling the front three lots on South Main Street would restrict and cut-off their access to the lots owned behind. He said he believed that the proffers addressed the concerns raised by the neighbors and landowners. Carilion met with the surrounding property owners and a lot of the concerns were addressed in a positive manner.

Hugh Thornhill, administrator of Carilion Health Care Corporation, said that the company's goal is to provide convenient, cost-effective primary care physician services to the communities it serves. In 1995, a number of local physicians and practices merged to form Valley Health Care. This organization merged and eventually matured, joining Blue Ridge Primary Care. In order to grow and mature as an organization, they joined Carilion in 1996. He said the organization's role is to provide expertise and capital to mature the practice, improve its operation, and effectively deliver care to patients. Within the City of Harrisonburg, three locations currently operate under the company. Physician needs assessment for this community indicate the need for eight additional family practitioners. The company has been looking for a centralized location in the area to provide these services to all of our practices and provide some room to grow and add additional physicians to the community. Carilion has developed a lot of facilities since 1992 in Roanoke, Salem, Glade Hill, Buchanan, Wytheville, and a similar project in Blacksburg was competed in January. In addition to the Harrisonburg project, Carilion is also working on projects in Rocky Mount, Roanoke, Martinsville, and Dublin. He reviewed the services which would be offered to patients and the hours of operation. He said that a physician practice and other health-care related services are preferable development for the land and that Carilion should be an excellent neighbor.

Marvin Rhodes said that this property has been in his family for approximately 60 years. This proposal is the best option for the purchaser, the Pleasant Hill community, and the City of Harrisonburg. He said that he has had a number of potential buyers of the property, but those potential buyers wanted only a portion of the property. Carilion is interested in the total parcel. He read a letter from Richard A. Lee stating that he was in full support of the rezoning request and that the proposed plan to develop a first class health care facility would be a significant asset to this area.

Another letter from Edwin Swope stated that he fully supported the rezoning request and encouraged Council to approve the rezoning request. Mr. Rhodes requested that Council consider the rezoning request. Council Member Byrd commented that the City in the past has been concerned about the awkward traffic condition and right-of-way on South Main Street. Mr. Byrd questioned if the property owners fronting onto South Main Street realized the R-2 pocket being created in this area. Mr. Rhodes noted that a letter in opposition from some of the neighbors was initialed before many of the proffers came from Carilion.

Dr. Sam Showalter, a physician practicing in Weyers Cave and Bridgewater, said that he practiced in this area for 22 years. He said that Carilion's personnel are very community orientated, very health care orientated, and a very good employer for the last two years. Carilion would be a welcome addition to the City and would be a good corporate and small town neighbor.

Dr. Mark Ness, a physician practicing in Park View for the last 24 years, said that he has had a busy and on-going practice. For the past six years, he and other doctors have been trying to get another physician to share the load and practice, but because of the restricted nature of a small practice, they have been unable to attract anybody. This proposed facility would be a real addition to the community and attract more primary care physicians to this area. There being no others desiring to be heard, the public hearing was declared closed at 8:10 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 Green, and approved with a unanimous vote of Council Members present.

✓ Planning and Community Development Director Turner introduced a request by Harman Properties, LLC for a special use permit to allow a mail processing operation in the B-2 General Business District. She explained that the site is surrounded by tenants in the shopping center which include National Business College, Ski and Skate, Shenk Honda, and Valley Structures. It is in an area surrounded by B-2 zoning, M-1 zoning, and Interstate 81. The Comprehensive Plan recommends the site for commercial use. An assembly operation such as the one proposed is permitted in the B-2 General Business District only by a special use permit. The applicant is seeking this special use permit to operate a mail sorting and metering facility. Pitney Bowes plans to operate the facility for sorting and metering mail for JMU. Incoming mail for James Madison University would be received from the U.S. Postal Service and sorted for delivery to JMU. Outgoing mail would be metered and prepared for delivery to the U.S. Postal Service. Deliveries to and from the business are made by delivery vans or station wagons rather than by tractor trailers. She said that Planning Commission recommended approval of the special use permit.

✓ At 8:12 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 Tuesday, May 26, and Monday, June 1, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 9, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Special Use

1. **Request by Harman Properties LLC for a special use permit to allow a mail processing operation in the B-2 General Business District. The property is located at 51/F Burgess Road and would be leased to Pitney Bowes Management Services as a mail processing site for James Madison University Mail Services.**

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 desiring to speak for or against this special use permit. David Lee, representing Harman Properties, said that he was available if Council had any questions regarding the special use request.

Paul Clay, site manager for Pitney Bowes Management Services, said that this site would be a very quiet site as only six people will be working at the facility. There should be no disruption to current operations at the site. There being no others desiring to be heard, the public hearing was declared closed at 8:15 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Ben Fordney representing the Shenandoah Chapter of Virginians Against Handgun Violence presented a brief report to Council. He explained that the group was requesting that Council prevent handgun violence in the community by enacting laws that will serve to keep guns out of the wrong hands. The VAHV is a non-profit, non-partisan, volunteer organization dedicated to the reduction of gun violence in Virginia through educational sensible legislation. He reviewed several statistics regarding people who own handguns, policies restricting weapons, and laws preventing alcohol in City parks.

Reverend Robby Burke, president of the Virginians Against Handgun Violence, presented a series of proposals to City Council. These include that it shall be illegal to possess a firearm on one's person or in a vehicle on any public property in the City, illegal to possess a firearm in public parks and recreational facilities, and illegal to sell or trade a firearm within 2000 feet of the property of a school. In addition, he proposed that all firearm sales in the City should be finalized at the place of business of a licensed firearm dealer after an instant background check on the buyer. He noted that the General Assembly will have to grant permission for these laws to go into effect because of the 1987 preemption law. He urged Council to take all measures necessary for these proposals to become law in the City. He also suggested that Council consider their proposals including passing

the four proposals, petition our delegate and senator to present these proposals to the General Assembly, appoint a special commission, or place these four proposals on the fall election ballot.

Sandra Pennington made a presentation to Council regarding issues concerning the Concerned Citizens Against Handgun Violence. She explained that she was not part of any special interest group or lobby, but was one of the silent law-abiding majority, who has chosen to break silence due to potential endangerment of our rights. Passing further restrictions that will be obeyed ONLY by law-abiding citizens is not the answer, but is just treating the symptoms instead of curing the disease. We have a CORE PROBLEM of lack of respect for life, property and authority! It began insidiously with the messages we are sending in several areas including removing God from our society, and removing all absolutes and replacing them with situation ethics. She said that she was concerned about abortion on demand and mercy killing, removing personal responsibility for our actions, blaming society, allowing criminals to serve only part of their sentences and plea bargain to a lesser crime. She noted that during the last year, the Daily News-Record published national statistics of interest including that violent crimes nationally are actually decreasing; however, juvenile crimes of violence are the fastest rising crime category. Washington, D.C. has the most restrictive gun regulations in the US, yet their violent crime rate is the highest in the nation and close to that internationally. She said that "I am against laws that may take away our right to defend ourselves against violence outside our homes, which will increase our propensity to becoming targets of violence. I am requesting that our City concentrate on some core or root causes of crime rather than be sidetracked into dealing with symptoms. Make a stand for curing the disease, instead of aiming at laws which further remove the rights of the rest of us! She suggested that should City Council choose to adopt further gun control measures anyway, that the proposal be put on the ballot in the next City election, giving us all a voice in this!

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

Harrisonburg Rockingham Disaster Recovery Task Force

RESOLUTION

WHEREAS, the Harrisonburg Rockingham Disaster Recovery Task Force became active following the devastation of hurricane Fran to serve the citizens of Harrisonburg City and Rockingham County suffering disaster losses; and

WHEREAS, the Harrisonburg Rockingham Disaster Task Force is comprised of public and non-profit agencies and organizations, along with various churches, civic, and other groups, all having various capacities and programs of value and importance in disaster recovery activities; and

WHEREAS, the Harrisonburg Rockingham Disaster Recovery Task Force's intent is to coordinate local disaster recovery activities by bringing together various levels of assistance and resources with the local persons, families, businesses, and infrastructure suffering losses; and

WHEREAS, the Harrisonburg Rockingham Disaster Recovery Task Force's activities will primarily focus upon donation management, and short term and long term recovery; and

WHEREAS, the Harrisonburg Rockingham disaster Recovery Task Force has organized itself to be prepared to assist with local disaster beyond the devastation of hurricane Fran, and with other types of disaster in addition to flooding.

THEREFORE, BE IT RESOLVED, that the Harrisonburg City Council recognizes the Harrisonburg Rockingham Disaster Recovery Task Force as an organization of Harrisonburg City government with its purpose being to be involved in the activities cited above.

Date

Mayor

Attest:

Clerk of City Council

✓ Don Driver, director of Social Services, presented a request to approve participation in the Local Disaster Recovery Task Force. He explained that the purpose of the task force is to provide assistance to citizens who in times of disaster have expended the resources provided by the federal and state governments. He noted that many local organizations were faced with how to help local citizens following the flood devastation of hurricane Fran in 1996. Since then, the Rockingham Harrisonburg Disaster Recovery Task Force has been established to work within the communities of the City and Rockingham County during disasters. He said that the core group is composed of public and non-profit agencies and organizations, along with various churches, civic, and other groups, all having various capacities and programs of value and importance in disaster recovery activities. The organization through its efforts was able to assist approximately 60 families in recovering from the flood damages. Mr. Driver said that the intent of the organization shall be to coordinate local disaster activities by bringing together various levels of assistance and resources with the local persons, families, businesses, and infrastructure in need. The group stays active and has the capacity to get back into action anytime a disaster faces the area. Council Member Rogers offered a motion to participate in the Local Disaster Recovery Task Force by approving the resolution as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request for utility service from Whitesel Brothers and Berea Christian School. He explained that both requests are in conflict with the City's moratorium on utility service outside the City. Public Utilities Director Collins said that Whitesel Brothers has a portion of the lot located in the City; however, the building will be located in the County. Berea Christian School is supplied with water from a well on the school property which currently does not meet the requirements of the Commonwealth of Virginia for public water. Dick Blackwell representing Whitesel Brothers said part of the property is in the County and part is in the City. He presented a map of the property and gave a brief overview of the property. He said that Whitesel

Brothers is requesting both water and sewer. Discussion included a City business moving to the County, lost revenue for the City, a moratorium conflict, and a possible requested rezoning in the future. Council Member Rogers offered a motion to deny the request of Whitesel Brothers for utility services. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Member present. Council Member Rogers offered a motion to deny the request of Berea Christian School for utility services. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request to adopt the revised HATS map. He explained that the City has been working with the County to look at a number of transportation issues trying to find common ground between the two jurisdictions. Assistant City Manager Baker said both the City and County staff members have met trying to reach a consensus on the map and he had discussed it with a VDOT representative. He reviewed the map especially noting proposed road locations not supported by the County, a new road connection supported by the County, and City projects. He requested that Council adopt this map in concept and refer it to the VDOT planning department for their review and comments. Council Member Rogers offered a motion to approve the concept and refer the HATS map to VDOT. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

✓ Council Member Byrd offered a motion to authorize the City Manager to sign a contract for the audit of the City's financial records. The current contract with the accounting firm of Phibbs, Burkholder, Geisert and Huffman expires with the fiscal year ending June 30, 1998. The cost for the audit for the year ended June 30, 1998 will be \$25,745. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

✓ City Manager Stewart presented a request to transfer funds into a Capital Projects account. He explained that this money will be used for the Betts Road Sewer Extension project and a portion of the utility main extension commitment for Friendship Industries. Council Member Rogers offered a motion to approve the transfer of these funds.

\$78,000 chge. to: 1322-34230 Transfer from Sewer Funds

\$78,000 approp. to: 1322-911161-48650 Oversizing & Extensions

\$39,000 chge. to: 2012-472061-48219 Oversizing & Extensions

18,000 chge. to: 2012-482061-47060 HRRSA Debt

21,000 chge. to: 2012-422-62-43840 HRRSA O & M

\$78,000 approp. to: 2012-492061-49216 Transfer to Capital Projects

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

City Manager Stewart announced that Friendship Industries has been awarded a \$700,000 community block grant to begin construction.

✓ City Manager Stewart presented a request to transfer funds for Social Services. Charlette McQuilkin said that additional funding was needed for the Comprehensive Services Act. Don Driver said there is a shortfall of funding needed to complete this fiscal year for the mandated children and families served in the City. Our projections indicate that the deficit will be \$160,000 which of that amount, \$50,000 is need for the local match. Council Member Rogers offered a motion to approve the transfer of these funds:

\$56,503 chge. to: 1000-980142-49126 Public Facility Lease

\$56,503 approp. to: 1000-910511-47071 Expense of Social Services District

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

✓ School Superintendent Ford presented a request to transfer funds for the School Board. He explained that these appropriated funds will be used for unanticipated costs in some areas and some other areas where anticipated expenses did not materialize. Council Member Rogers offered a motion to approve the transfer of these funds:

\$100,000 chge. to: 111114-40610 Instruction

\$100,000 approp. to: 111114-40620 Adm., Attendance, and Health

100,000 approp. to: 111114-40640 Operation and Maintenance

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

✓ City Manager Stewart presented a request to transfer funds from Reserve for Contingencies. He explained there are shortfalls in both the City Attorney's budget and Human Resources budget. Council Member Green offered a motion to approve the transfer of these funds:

\$3,734 chge. to: 1000-940111-49310 Reserve for contingencies

\$1,734 approp. to: 1000-120411-43152 Other legal services

2,000 approp. to: 1000-120511-41030 Part-time salaries and wages

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

✓ City Manager Stewart presented a request for the Fire Department. This request is being made to recover donations made to the department as well as to recover funds for services rendered during the year. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$ 4,279.97 chge. to: 10001809 Donations

21,958.72 chge. to: 10001914 Recovered Costs

\$16,738.69 approp. to: 320132-48113 Equipment

9,500.00 approp. to: 320132-43350 M & R Auto Equipment

The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
 Council Member Rogers
 Council Member Green
 Mayor Eagle

No - None

Absent: Vice-Mayor Lantz

Taines Rontopoulos said that he was concerned about the Virginians Against Handgun Violence proposals. He said that he had served in the military and was a veteran who had sworn to serve, protect and defend our Constitution. He said "I do not conform with their way of dividing our society." We have learned from our founding fathers that honest people are the people who obey the laws. Criminals do not obey any laws. He said that additional laws would restrict honest citizens in our community from carrying and possessing firearms which people have been allowed to do for many years by the state of Virginia and the Constitution. The media have created an atmosphere of mistrust and rumors.

Roy Heishman said that he was a concerned City resident. He said that he has been involved with firearms for a long time and had been a hunter's safety instructor. He presented a petition of approximately 300 signatures to City Council concerned about the proposals being made by the Virginians Against Handgun Violence.

Todd Peg said that he was a concerned City resident. He said that he disagreed with Rev. Burke and questioned whether the laws being proposed would really keep the firearms out of the hands of children. He said that Virginia already has a law which makes it illegal to possess or transport a firearm loaded or unloaded under the age of 18, possess a firearm loaded or unloaded on school property, and makes it illegal to leave it unsecured if it gets into the hands of a child.

Charles Eaton said he was a retired Police Officer for the City of Harrisonburg and he did not know of any police officers in the City who feared the average citizen carrying a concealed weapon. This proposed law would restrict the common good citizens and the criminals will not abide by any laws that they pass.

Michael Johnson said that he was an ex-Air Force NCO who took an oath to protect and defend the Constitution of United States. He read a quotation made by Adolph Hitler which said that 1935 will go down in history for the first time as a civilized nation having full gun registration, safer streets, more efficient police officers and the world will follow our lead into the future. He said that he would not follow such a person.

At 9:45 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to

the Social Services Advisory Board, Harrisonburg-Rockingham Regional Sewer Authority, Community Services (Chapter 10) Board, and Central Shenandoah Planning District Commission, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of economic development and 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. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.


At 11:49 p.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Rogers offered a motion that Rodney Eagle be appointed to a term on the Central Shenandoah Planning District Commission to expire on June 30, 2001. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Council Member Byrd offered a motion to appoint Rachel Hollis to a term on the Community Services (Chapter 10) Board to expire on July 1, 2001. The motion was seconded by Council Member Green and approved with a three to zero vote of Council Members present. Council Member Rogers abstained.

At 11:52 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

JUNE 23, 1998

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 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 of a supplemental appropriation for the Fire Department. 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, 1998. He explained that Skyfire Fireworks Displays has completed the appropriate application and they have met all Fire Department requirements. Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to vacate and relocate lot lines through Lots 12, 13, and 14, Section 5 in the Blue Stone Hills Subdivision. She explained that these lots front on Pearl Lane and are zoned R-1 Single Family Residential. There is someone who is going to purchase all three lots for the purpose of putting in a single family house and they need to remove the lot lines. Since easements run through all three lots, the lot lines will need to be vacated and relocated. There are general utility easements involved and an exclusive water line easement. The applicant's attorney has prepared a proper deed of easement and vacation of property line which has been reviewed by the City Attorney. Mrs. Turner said that Planning Commission recommended approval of this request, if prior to the applicant recording the plat, the agreed fee to relocate the water line easement had been paid. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Ray Nicely, agent for V.W. Nesselrodt and Henry Clark, for approval of a Preliminary Plat entitled "Redivision of lots 1 & 1A, Section 1, Easthampton." Mrs. Turner said that the applicant is requesting to vacate the existing lot line between the two lots and resubdivide the parcel. The parcel contains two lots which do not conform to the current area and dimensional regulations of the R-2 zoning classification. The reasoning for this request is that the existing lots were conforming at the time of the original subdivision, but do not conform to current regulations. The applicant claims a topographic hardship prevents development of the lots. She said that Lot 1 currently contains 4,574 square feet and Lot 1A is 5,413 square feet. Steep slopes will hinder the construction of driveways unless they redraw the property lines to make the lots more accessible from the street. If approved, Lot 1 would become 5,833 square feet and Lot 1A would become 4,154 square feet. Changing the lot lines will bring one lot into conformance with the subdivision ordinance, although the other will remain nonconforming. She said that Planning Commission recommended approval of the request. Council Member Byrd questioned what would be the position of City staff if the smaller lot came up for a variance in the future. Mrs. Turner responded that generally staff does not recommend approval of any variances, only provides facts, but City staff would point out that the applicant had recently resubdivided the property.

Ray Nicely

said that because of the steep slopes, it would hinder the construction of the driveways, and access to one lot could only be gained by an easement across the other lot. This request will allow both lots to have a frontage on the street. Following further discussion and comments, Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented for Council's consideration the adoption of the 1998 Comprehensive Plan update. She explained that City Council and Planning Commission held a joint public hearing on May 26, 1998 on the update of the plan. Mrs. Turner said that Planning Commission discussed some of the changes at its June 10th meeting and she reviewed some of the recommended changes on the land use plan. One is on Peach Grove Avenue and Neff Avenue extended which is zoned R-1; however, the area should be listed as Medium Density Residential to make it compatible. The other area is on South Main Street near where the rezoning took place for Carilion. This area is zoned Medium Density Planned Residential and should be considered as Planned Business classification. In addition, property located on North Main Street and Moore Street should be Planned Business classification and property at the intersection of Port Republic Road and Peach Grove Avenue should be changed from planned commercial classification. She said that Planning Commission did not have any other changes and recommended that the plan be adopted. Council Member Green offered a motion to adopt the 1998 Comprehensive Plan. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration a request from Rockingham Memorial Hospital to close a portion of South Mason Street on July 26. He explained that the hospital will be having an open house and dedication of the new West Tower. The Police, Fire, and Public Works Departments have reviewed this request; however, he noted that the request should be granted contingent upon HEC allowing banners to be hung on their utility poles. Council Member Rogers offered a motion to approve the request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from the Parking Authority operating budget to the Parking Authority Capital projects. These funds will be used to assist with repair to the Water Street Parking Deck. Vice-Mayor Lantz offered a motion to approve the transfer of these funds:

\$30,000 chge. to: 2015-410641-43360 Maint. & Rep. - Buildings & Grounds

\$30,000 approp. to: 2015-410641-49216 Transfer to Capital Projects

\$30,000 chge. to: 1325-34275 Transfer from Parking Authority

\$30,000 approp. to: 1325-910641-48653 Rehabilitation Parking Deck

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 Highway and Street Maintenance to General Capital projects. He explained that these funds will assist in covering cost of improvements to Park Road between Parkwood Drive and Shank Drive. The project cost has increased due to additional storm drain system necessary to support development along Park Road. The City will be reimbursed for a portion of the additional costs. Council Member Rogers offered a motion to approve the transfer of these funds.

\$40,000 chge. to: 1000-410241-48294 WIP - Annexed Area - 1

20,000 chge. to: 1000-410241-43372 Maint. & Rep. - bridges

\$60,000 approp. to: 1000-90111-49216 Transfer to Capital projects

\$60,000 chge. to: 1310-34210 Transfer from General Fund

\$60,000 approp. to: 1310-910141-48609 Park Road Project

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

City Manager Stewart presented a request to transfer funds from Reserve for Contingencies to the Convention and Visitors Bureau. He explained there are shortfalls in the Convention and Visitors Bureau budget and this transfer will provide additional money to the Bureau. Council Member Green offered a motion to approve the transfer of these funds:

\$2,449 chge. to 1000-940111-49310 Reserve for contingencies

\$2,449 approp. to: 1000-910411-45654 Convention and Visitors Bureau

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 Sanitation operating funds to Sanitation Capital projects. He explained that these funds will assist in Retro-fits and improvements at the Landfill and Resource Recovery Plant to address state regulations. Vice-Mayor Lantz offered a motion to approve the transfer of these funds:

\$ 8,000 chge. to: 2014-922041-44200 Central Garage

3,000 chge. to: 2014-922041-44310 C.S. Power Equipment Fuels

12,000 chge. to: 2014-932042-43140 Engineering, Arch. & Mapping

14,000 chge. to: 2014-932042-43360 Maint. & Repair Bldgs. & Grounds

6,000 chge. to: 2014-932042-46070 Repairs & Maintenance Supplies

18,000 chge. to: 2014-952042-41010 Salaries & Wages Regular

3,000 chge. to: 2014-952042-41020 Salaries & Wages Overtime

3,500 chge. to: 2014-952042-42010 FICA

4,400 chge. to: 2014-952042-42020 Retirement - VRS

4,100 chge. to: 2014-952042-42050 Hospital Insurance

2,000 chge. to: 2014-952042-43360 Maint. & Repairs - Buildings & Grounds

\$78,000 approp. to: 2014-992042-49216 Transfer to Capital projects

\$78,000 chge. to: 1324-34270 Transfer from Sanitation Fund

\$43,000 approp. to: 1324-910142-48681 Landfill Closure & Monitoring

35,000 approp. to: 1324-910142-48682 Retro-Fit Steam Plant

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

City Manager Stewart presented a request to transfer funds from Reserve for Contingencies. He explained there will be a shortfall in the court appointed attorneys fund. Council Member Rogers offered a motion to approve the transfer of these funds:

\$283.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$283.00 approp. to: 1000-330231-43151 Court appointed attorney

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

Steven Layman expressed his appreciation to Council and Police Chief Harper for supporting the Kelley Street neighbors in their effort to take back their neighborhood.

Council Member Green expressed concern about the potential loss of car tax revenue because the state will be phasing out the personal property tax. He said that regardless of whether the City will be reimbursed, it is time to look at other sources of revenue. He went on to say the state has a history of not fulfilling such promises to localities and the City has many needs that cannot be met with current revenues. He said that the City needs to look at some user taxes to replace some possible lost revenue and to provide additional revenues for the needs of the City. He said, "I have always been anti-tax all my life, but we must widen our approach to let more people that are not paying taxes in the City contribute to a cause. The schools every year request another million dollars of additional local funds. However, we can't continue to ignore the needs of the Fire Department, Recreation Department, and Police Department." The infrastructure is very expensive to the City, and he said that ways will be needed to distribute the revenue burden on those who come into the City. He also noted that although he supported the schools, he did not want to build something because it is a good time to borrow money. Mayor Eagle said that he agreed with Council Member Green's comments and noted these changes should be implemented right away to brace the City for potential loss of the local revenue and to meet the increasing demands on the City. People coming into the City should be paying more in taxes including meal taxes, transient taxes, and admission taxes. He also mentioned that the City has only 34,700 residents; however, 250,000 people from the surrounding area use the City. Council Member Rogers said that we should plan to look at other sources of revenue for the City. He also suggested that the City review the water rates charged to customers who live outside Harrisonburg. Council Member Rogers noted that during the four years he has been on Council, the City has purchased a new fire truck, made additions and repairs to the schools, added new police officers, added new firefighters, promoted downtown, and made bridge improvements without a tax increase. Vice-Mayor Lantz said that he favored spreading the tax burden around instead of placing it on the approximately 6,500 real estate owners in the City. Council Member Byrd noted that Council in recent years has been responsive to the things that are on the front page of the newspaper. Beyond the very visible school system, he said that it has been his experience there are many other dedicated people living within the City structure who are being asked to wait their turn. However, that turn seldom seems to come along in the line of priorities. Following further discussion and comments, City Council directed City Manager Stewart and City Attorney Thumma to review the City's transient tax, meals tax, and admissions tax and to schedule a public hearing on July 14, 1998.

Commissioner of Revenue Hosaflook announced that she will be attending a workshop on computer software package being used to meet the Governor's guidelines for computing vehicle tax this year. The City has already purchased the software package; however, some programming adjustments will be needed to accommodate information being sent to Richmond to qualify vehicles and refund money to tax payers. She also said that information received from the Department of Motor Vehicles will be used as a guideline on how

much money to return to the localities.

City Manager Stewart announced that WHSV-TV will have a ground breaking ceremony on Court Square, Wednesday, July 1, 1998 at 9:00 a.m.

At 8:30 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Harrisonburg-Rockingham Regional Sewer Authority, and Community Services (Chapter 10) Board, and the evaluation of a City department, 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. Consultation with the City Attorney 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, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 10:59 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 purchase 7.1 acres of property from Wayne and Donna Gates at a cost of \$225,000 for access to City property from Garbers Church road in accordance with the City's adopted Capital Improvement Program (CIP). The motion was seconded by Council Member Byrd, and approved for a first reading with a unanimous recorded vote of Council.

At 11:02 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REORGANIZATION MEETING

WEDNESDAY, JULY 1, 1998

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

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, required by Section 42 of the City Charter, to be held in the Council Chamber on Wednesday, July 1, 1998 at 10:00 a.m., to consider the following matters and take necessary action thereon:

1. Call to order.
2. Oath prescribed by Law, Section 42 of the City Charter:
3. Re-organization of City Council:
 - a. Election of MAYOR, 2 year term (Section 7 City Charter).
 - b. Election of VICE-MAYOR, 2 year term (Section 7 City Charter).
 - c. Appoint CITY ATTORNEY, 2 year term (City Code Section 3-2-1).
4. Designate regular meeting time and dates (Currently 2nd and 4th Tuesday of each month at 7:30 p.m.)

City Clerk Ryan reported that she was in receipt of Oaths of Office, duly taken by Hugh J. Lantz and Larry M. Rogers.

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

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

291
1998

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

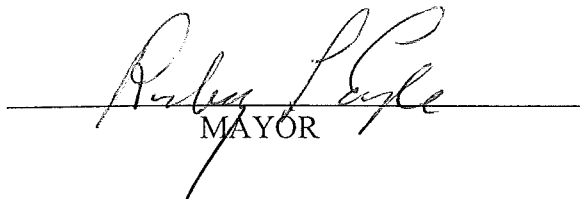
City Manager Stewart announced that Neff Avenue Extended will officially open July 2, 1998. A ribbon cutting ceremony will be held on Wednesday, July 15th at 9:00 a.m.

At 10:06 a.m., Council Member Byrd offered a motion that Council enter an executive session for consultation with the City Attorney 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, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:02 a.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public 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 matters as were identified in the motion by which the executive or closed meeting were heard, discussed or considered in the executive session by the City Council.

At 11:03 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

JULY 14, 1998

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, 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.

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 June 23 and July 1 City Council meetings, and the second reading of a supplemental appropriation to purchase land on Garbers Church Road. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner introduced a request by Pete Karageorge to rezone 1.097 acres located at 2420 and 2426 South Main Street from M-1 General Industrial District to B-2 General Business District. She explained that the property has a combined area of 1.097 acres. Mrs. Turner reviewed the surrounding zoning classifications. The Land Use Guide recommends the site for commercial use. The applicant is requesting to rezone the two existing lots from M-1 General Industrial District to B-2 General Business District to construct a 3,000 square foot restaurant. A restaurant and motel are located on the larger lot and a house is located on the smaller lot. A conceptual plan submitted by the applicant indicates that the existing restaurant will be demolished and replaced with a new 3,000 square foot restaurant; however, the plan is not proffered in connection with the rezoning request. The plan is merely conceptual in nature and shows the location of the proposed building in relation to existing buildings. She noted that staff did have some concerns that the existing motel may detract from the proposed restaurant and upon investigating the Police Department records discovered that officers have responded to calls many times during the last year. Staff has encouraged Mr. Karageorge to create and implement a development plan for the entire site quickly. Mrs. Turner said that Planning Commission recommended approval of the request.

At 7:40 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, June 29, and Monday, July 6, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 14, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Rezoning:

2. Request by Pete Karageorge to rezone 1.097 acres located at 2420 South Main Street from M-1 to B-2. The property is identified as parcels 6© 2 and 3 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 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 desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this rezoning request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner introduced a request by Chad Layman to rezone 1.377 acres located at 1126 North Main Street from R-2 Residential District to B-2 General Business District. She explained that the applicant would like to rezone parcels 29-39 and 85-92 which front on Main Street and Moore Street. The applicant would like to rezone this area from R-2 Residential District to B-2 General Business District to operate a lawn care and landscaping business on the property while retaining use of the existing house as a residence. This site is zoned R-2 and a two-story brick home and garage is located on the property. A vacant lot to the North is also zoned R-2 and to the South is a single family residence. A vacant lot is located to the East in the R-4 zone which is the future site of Beacon Hill subdivision. Shenandoah Presbytery and AMP, Inc. are located across Main Street to the West of the site and are zoned B-2 Business District. The Land Use Guide recommends Lots 29-36 for Planned Business Use and Lots 85-92 for Planned Residential-Single-Family Use; however, the new adopted Comprehensive Plan does recommend this property for Planned Business. In connection with this rezoning, Mr. Layman has said that he would like to use the existing house as his residence, while converting the detached garage for his landscaping business. Staff has informed Mr. Layman that continued residential usage cannot be maintained if rezoned to B-2 General Business, because residential use is not permitted in the business district. She said that Planning Commission recommended that only lots 85-92 and 35 and 36 be rezoned. In making this rezoning request, Mr. Layman has proffered several uses to try to make the rezoning more compatible with some of the surrounding residential zoning which includes removing things that might be objectionable to residential neighbors. These proffers include removal of theaters and recreational establishments, automobile service stations and sales, and parking garages, among others. Mr. Layman has also proffered limitations on the hours of operation and lighting. With these proffers, Mr. Layman has removed most potential B-2 uses that would be incompatible with nearby existing and proposed residential uses, while still permitting the desired landscaping business. Mrs. Turner noted that although these proffers are very important, this property is adjacent to an established neighborhood. She said that staff had some concerns because the intended use of the property would be for a landscaping business. However, Planning Commission did recommend to approve the rezoning with the proffers for the lots at the rear that contain the garage and the two lots at the front which are lot 35 and 36 from R-2 Residential District to B-2 General Business District.

At 7:45 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, June 29, and Monday, July 6, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, July 14, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Rezoning:

1. Request by M. Chad Layman (contract purchaser) to rezone 1.377 acres located at 1126 North Main Street from R-2 to B-2. The property is identified as parcels 42(C)29-36 and parcels 42(C)85-92 on the City of Harrisonburg's block maps. The Comprehensive Plan recommends lots 29-36 for Planned Business use and lots 85-92 for Planned Residential-Single Family 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 desiring to speak for or against this rezoning request.

Mike Layman

, representative for the applicant, reviewed the property and streets on the map and indicated some of the surrounding zoning classifications. He mentioned that only one neighbor had expressed a negative reaction to the rezoning. He said that he had addressed most of the City staff's concerns which included noise, dust, and customer traffic.

Chad Layman

said that his business is called Fine Earth which is a landscape management company specializing in lawn care and maintenance service. Parking for the commercial vehicles will be placed near the existing garage and a future mulch pile will be located along the back of the property. He reiterated the importance of making his neighbors happy and his willingness to do what was necessary so they would accept his business.

Erva Whitsell

, a resident living at 1039 Moore Street, questioned how a subdivision with a restrictive covenant for 69 years for residential use only, could be used for business.

Mike Layman

responded that he had contacted every owner in the neighborhood because they were aware of the covenant. He also said that a business has been operating in the area for 40 years violating the covenant and several houses have been built violating the covenant because they face the wrong way. The state law allows a significant change use in an area to override the terms of the covenant. He said after contacting every owner in

the subdivision they had prepared a release of covenant and still requested that the property be rezoned. There being no others desiring to be heard, the public hearing was declared closed at 8:08 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve the recommendation of the Planning Commission, stating that the rezoning does not have anything to do with the covenant and the Comprehensive Plan recommends the area for Planned Business use. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

At 8:09 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, July 6, 1998.

Public Hearing on Increased Tax Levies

The Harrisonburg City Council will hold a public hearing on July 14, 1998 at 7:30 p.m. in the Council Chambers at 345 South Main Street in the Municipal Building. The purpose of the hearing will be to consider the following tax levies:

5% Meals Tax

5% Transient Occupancy Tax

5% Admissions Tax

10% tax on mobile communications up to a maximum of \$3.00 per consumer per month.

\$1.44 E-911 tax per month per telephone access line.

Anyone wishing to be heard may comment orally and/or in writing at the hearing.

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against the proposed tax increases.

Ellen Walker

, a resident living at 761 Walnut Lane, said that the user fee tax was not a good idea if tourism was encouraged in the City. She said that she often eats out at lunch, but with the proposed tax increase she would have to be industrious and pack her lunch.

Bruce Gray

explained that he has lived in the City for a long time and although he did not make a lot of money, he did not want to pay another nickel or dime for a drink at McDonald. He said that "I don't want to cut services, but I challenge everybody here to think about top-management first before increasing taxes." He said that Council should review the entire infrastructure in the City.

Wayne Rothery

said that he was a businessman in the City and warned Council Members not to make the City an expensive place to live as was his experience in Northern Virginia. He said "Don't tax every living breathing thing we

do. It is not necessary." He suggested that some of the property which has been removed from the tax roll in recent years should be put back on the tax roll. There being no others desiring to be heard, the public hearing was declared closed at 8:20 p.m., and the regular session reconvened. Council Member Rogers said that he could understand the comments shared with Council tonight. He also mentioned that although the City has approximately 6,500 real estate owners, another 150,000 people from the surrounding area use the City's streets and other infrastructure. He said that no one likes to see a tax increase; however, during the four years he has been on Council, the City has purchased a new fire truck, increased the school budget by more than \$4.5 million, added new police officers, added new firefighters and changed the infrastructure. Council Member Rogers offered a motion to approve these increased tax levies for a first reading. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council Members present. Council Member Green commented that the infrastructure needed to be supported and it cannot be done with the present revenue. He said that they have postponed everything because of the commitment made to the school system and it cannot continue without serious damage to the other City departments. Vice-Mayor Lantz commented that with the limitation or reduction of the BPOL tax, there will only be a few items that they can tax. He reiterated that it is unfair to keep putting the tax burden on the approximately 6,500 real estate owners in the City. He noted that no one is forcing anyone to stay in a motel or go to a restaurant. Increasing these taxes will not make Harrisonburg another Northern Virginia. Mayor Eagle said that he concurred with the other Council Members' comments. He said it is not fair to put the burden on the approximately 6,500 real estate owners in the City. These increases are necessary to preserve the quality of life enjoyed in the City.

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

Resolution

At a regular meeting of the City Council of Harrisonburg, Virginia on July 14, 1998, at which meeting a quorum was present and voting, the following resolution was adopted.

WHEREAS, § 37.1-194 of the *Code of Virginia*, 1950 as amended, requires each City and County to establish, singly or in combination, a community, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, the City of Harrisonburg already has established the Harrisonburg-Rockingham Community Services Board pursuant to this statutory provision; and

WHEREAS, § 37.1-194 of the *Code of Virginia*, 1950 as amended, further requires each City and County to designate, in consultation with its community services board, this board as an operating community services board, an administrative policy community services board, or a policy-advisory community services board with a local government department; and

WHEREAS, the Harrisonburg-Rockingham Community Services Board provides community mental health, mental retardation, and substance abuse services, directly through its own staff or through contracts with other providers; and

WHEREAS, the Harrisonburg-Rockingham Community Services Board conforms to the definition of an operating community services board that is contained in § 37.1-194.1 of the *Code of Virginia*, 1950 as amended; now therefore,

BE IT RESOLVED, by the City Council of Harrisonburg, Virginia, that the Harrisonburg-Rockingham Community Services Board is hereby designated as an operating community services board with the powers and duties enumerated in § 37.1-197.A and § 37.1-197.1 of the *Code of Virginia*, 1950 as amended.

Date

Mayor

Attest:

Clerk of City Council

Joseph Sharrer, executive director of Harrisonburg-Rockingham Community Services Board, requested that the local board be designated as an operating board. He said that the General Assembly has required that each CSB be designated as either an operating, administrative or policy advisory board. The local board has functioned as an operating board, employs staff, operates programs, and contracts to deliver services. Council Member Green offered a motion to designate the Harrisonburg-Rockingham Community Services Board as an operating board. The motion was seconded by Vice-Mayor Lantz, and approved with a three to zero vote of Council Members present with Council Member Rogers abstaining.

Joseph Sharrer, executive director of Harrisonburg-Rockingham Community Services Board, explained that each government body is required by the General Assembly to approve the state performance contract. He explained that the local board has maintained the existing programs and increased some of the housing and rental assistance programs. A position was added to service the mentally ill and chemically addicted population. Vice-Mayor Lantz offered a motion to approve this contract. The motion was seconded by Council Member Green, and approved with a three to zero vote of Council Members present with Council Member Rogers abstaining.

City Manager Stewart presented a request from Rockingham County Public Schools. John Kidd, School Superintendent of Rockingham County, explained that the County is requesting City water services for a potential Westside county elementary school to be built on property across the highway from the Belmont subdivision. The new school would replace Mount Clinton Elementary School which was built in 1925 and help with crowding in other schools. He reviewed potential sites for a new elementary school and noted that the County did not have many options. Council Member Rogers commented that any time the City can work with the County, we are willing to do it. However, he suggested because of the annexation law and Harrisonburg's moratorium on water and sewer service connections outside the City limits, that a letter written by the Rockingham County Board of Supervisors supporting this request be sent to City Council. Council Member Rogers presented a brief report concerning the median adjusted gross income for a married couple in Virginia. He said that the median income for a couple in Virginia is \$43,869 compared to Rockingham County \$35,249 and Harrisonburg \$37,358 which only rates a C. He said that both the County and City needed to find ways to keep our graduates in this area. Council Member Rogers offered a motion to approve this request upon receiving the letter from the Rockingham County Board of Supervisors. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present. Vice-Mayor Lantz noted that this request from the County schools system differed from earlier requests. He said "One of the major reasons for that is there was an agreement with the landowners that the City would provide water for business or residential development on that property. Although that request does say commercial or business, the school doesn't quite fall into that."

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 29 for an Arts and Craft show. The street will be closed from 9:00 a.m. until 4:00 p.m. The appropriate staff members reviewed the request and supported closing the streets around Court Square, but recommended leaving the appropriate 18' fire lane and movable barricades. Council Member Green offered a motion to close a portion of Court Square on August 29. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request to charge off two (2) uncollectible checks in the amount of \$110.00. He explained that City Treasurer Neal has advised that she has been unable to collect these checks. Council Member Green offered a motion to approve this request. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request for a supplemental appropriation for interest earned on the road improvement bonds. He explained that this action will appropriate some of the interest earned on the \$7,330,000 Public Improvement bond issue and help to finance the second project from the road bond which is improvements to Reservoir Street. Council Member Green offered a motion to approve this request for a first reading, and that:

\$450,000 chge. to: 1310-31010 Amount from fund balance

\$450,000 approp. to: 1310-910141-48607 East Side Road Improvement

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

City Manager Stewart presented a request for a supplemental appropriation for a DMV grant. He explained that these funds will reimburse the City for overtime funds in the Police Department. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$4,656.85 chge. to: 1000-31010 Amount from fund balance

\$4,656.85 approp. to: 1000-310131-41020 Salaries & Wages OT

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

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that this fund reflects money recovered from insurance companies for damages to two Police vehicles. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$19,089.65 chge. to: 1000-31010 Amount from fund balance

\$ 4,799.65 approp. to: 1000-43350 Maint. & Repairs to Auto Equipment

14,290.00 approp. to: 1000-48151 Replace - Motor Vehicles & Equipment

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

City Manager Stewart presented a request to transfer funds between General Fund Capital projects. He explained that this transfer will allow completion of an infrastructure in the Technology Park. Vice-Mayor Lantz offered a motion to approve the transfer of these funds:

\$381,000 chge. to: 1310-910141-48606 Public Safety Facility

\$381,000 approp. to: 1310-910141-48614 Economic Development

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

Taines Rontopoulos thanked Mayor Eagle for clarifying some of his concerns regarding the increases in taxes. He mentioned that City Manager Stewart had explained the proposed Planning Commission's change and adopting of an ordinance for off-street parking. He said that he has noticed a lot of rottweiler dogs in the City and suggested that perhaps the Police Department should review what other communities have done regarding these large dogs. He said that Fairfax and Alexandria are requiring the owners of rottweiler dogs to carry liability insurance.

Naomi Thomas

suggested that Council should not communicate with the School Board through a paid newspaper article. She said that the School Board adopted their Capital Improvement Plan in September 1997.

Ellen Walker

questioned how could City Council justify purchasing land on Garber Church's Road in the amount of \$233,000. Mayor Eagle said that the purchase was justified and suggested that she speak with either him or the City Manager regarding this matter.

City Manager Stewart announced that a ribbon cutting ceremony will be held Wednesday, July 15th at 9:00 a.m., on the new Neff Avenue Extended to commence the opening of the street.

Council Member Rogers offered a motion to refer a request from Clark & Bradshaw to vacate a portion of Moore Street to the Planning Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

At 9:08 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Harrisonburg-Rockingham Regional Sewer Authority, Commission on Children and Youth, Convention & Visitors Bureau Advisory Board, Valley Program for Aging Services Advisory Board, and Community Services (Chapter 10) Board, 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 Members present.

At 9:35 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 that Henry C. Clark, John R. Gordon, Roger D. Baker and Mike Collins be appointed to another term on the Harrisonburg-Rockingham Regional Sewer Authority to expire on July 14, 2002. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Vice-Mayor Lantz offered a motion that Stephanie Spangler be appointed to a term on the Children and Youth Commission. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Vice-Mayor Lantz offered a motion that Paula Gucker be appointed to the Valley Program for Aging Services Advisory Board. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Vice-Mayor Lantz offered a motion that Council Member Larry Rogers be appointed to another three year term on the Convention & Visitors Bureau Advisory Board to expire on June 30, 2001. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Vice-Mayor Lantz offered a motion that Richard Travis, 1171 Nelson Drive, be appointed to a first term on the Community Services (Chapter 10) Board to expire on July 1, 2001. The motion was seconded by Council Member Green, and approved with a three to zero vote with Council Member Rogers abstaining.

At 9:50 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

JULY 28, 1998

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, CMC, 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 4-2-77, 4-2-87, E-911 tax, and enacting Section 4-2-66.1, Article H, Chapter 2, Title 4 of the Harrisonburg City Code. The motion also included the second reading for supplemental appropriations for the Police Department, a DMV grant, and interest earned on the road improvement bonds. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - none

City Manager Stewart presented a suggestion from the Virginia Municipal League to participate in a "Virginians to Virginians" program. He explained that this program would provide for a formal link between communities with similar interests, problems, etc. The Town of Blacksburg and the City of Charlottesville has expressed an interest in participating with the City of Harrisonburg in this program. It would involve contact between the jurisdictions during the year with perhaps one visit a year and sharing information with each other. Vice-Mayor Lantz offered a motion to participate in this program. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enaction Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Green offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - none

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 1998. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$357,566.72 chge. to: 1000-31010 Amount from fund balance

112,363.00 chge. to: 1000-32522 Fire Training Building

\$ 8,214.32 approp. to: 1000-121313-48211 Machinery and equipment

66,620.00 approp. to: 1000-121012-48141 Assessment software

2,320.00 approp. to: 1000-310131-46100 Police supplies

4,089.60 approp. to: 1000-310131-48131 Radio equipment

9,147.50 approp. to: 1000-320132-43350 Maintenance & repair - Auto equipment

112,363.00 approp. to: 1000-320132-48183 Fire training grounds

1,256.00 approp. to: 1000-350532-46140 Other operating supplies

2,250.00 approp. to: 1000-410121-48274 Geographic Information System

2,578.32 approp. to: 1000-430221-48181 Buildings and grounds

87,805.00 approp. to: 1000-410241-48151 Motor vehicles and equipment

8,972.50 approp. to: 1000-410241-48296 WIP-Cantrell Avenue

39,945.22 approp. to: 1000-410741-48297 WIP-West Market Street

71,480.00 approp. to: 1000-410741-46070 Repairs & maintenance supplies

7,255.71 approp. to: 1000-410741-48111 Machinery and equipment

289.80 approp. to: 1000-710171-43710 Uniform maintenance contract

471.20 approp. to: 1000-710171-46132 Ed/rec supplies - Athletics

1,007.94 approp. to: 1000-710171-46150 Merchandise for sale

36,436.00 approp. to: 1000-710171-48184 Improvements

66.50 approp. to: 1000-710471-43710 Uniform maintenance contract

171.42 approp. to: 1000-710471-43720 Laundry and dry cleaning

5,786.89 approp. to: 1000-710571-43360 Maint. & repair - Buildings & grounds

33.25 approp. to: 1000-710571-43710 Uniform maintenance contract

1,369.55 approp. to: 1000-710771-46180 Chemicals

The motion was seconded by seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds from a grant will be used to purchase new radio equipment and forensic equipment. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$13,257.00 chge. to: 1000-31010 Amount from fund balance

\$ 9,876.33 approp. to: 1000-310131-48231 Radio Equipment

3,380.67 approp. to: 1000-310131-48211 Machinery & Equipment

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Commissioner of Revenue Hosaflook explained that she had received a request for a tax refund from Owens-Brockway Plastic Container Company because of an erroneous assessment. She said that the company on December 31, 1997 submitted an amended return for machinery and tools for tax years 1994 through 1997. They issued the return because Owens-Brockway had failed to report equipment that they had retired and had been removed from the plant in the City. She reported that the City will refund \$37,329.02 to Owens-Brockway and that she has prepared four certificates of erroneous assessment for each of the four years.

Police Chief Harper presented the following proclamation for Council's consideration of approval:

NATIONAL NIGHT OUT 1998

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 4, 1998 called "National Night Out; and

WHEREAS, the "15th Annual National Night Out" provides a unique opportunity for THE CITY OF HARRISONBURG to join forces with thousands of other communities across the country in promoting cooperative, police-community crime and drug prevention efforts; and

WHEREAS, THE CITY OF HARRISONBURG NEIGHBORHOODS play a vital role in assisting the HARRISONBURG POLICE DEPARTMENT through joint crime, drug and violence prevention efforts in THE CITY OF HARRISONBURG and are supporting "National Night Out 1998" locally; and

WHEREAS, it is essential that all citizens of THE CITY OF HARRISONBURG be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in THE CITY OF HARRISONBURG; and

WHEREAS, a police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program;

NOW, THEREFORE I, MAYOR OF THE CITY OF HARRISONBURG, do hereby call upon all citizens of HARRISONBURG to join HARRISONBURG POLICE DEPARTMENT and the National Association of Town Watch in supporting the "15th Annual National Night Out" on August 4, 1998.

FURTHER, LET IT BE RESOLVED THAT, I MAYOR OF THE CITY OF HARRISONBURG, do hereby proclaim *Tuesday, August 4, 1998* as "NATIONAL NIGHT OUT" in the CITY OF HARRISONBURG

Date

Mayor of the City of Harrisonburg

Chief of Police of the City of Harrisonburg

Police Chief Harper explained that this proclamation will proclaim August 4, 1998 as national Night Out 1998 in the City of Harrisonburg. It is a cooperative agreement between the Police Department and the

Neighborhood Watch groups. Neighborhoods will be encouraged to turn their porch lights on, conduct outside activities and join forces with thousands of other communities across the country in promoting cooperative, police-community crime and drug prevention efforts.

Bruce Gray

complained to City Council that numerous traffic accidents have occurred between the time the traffic light at University Boulevard and Reservoir Street has been set to flash. He requested that the traffic light be placed on a permanent stop and go cycle to prevent further accidents and near accidents. Mayor Eagle noted that his request will be considered.

At 7:45 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, 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. Consultation with the City Attorney 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, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members.

At 9:25 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 9:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

AUGUST 11, 1998

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

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 an ordinance amending and re-enacting Section 13-1-3, Harrisonburg City Code. The motion also included the second reading of a supplemental appropriations for the Police Department, and the re-appropriation of several outstanding encumbrances. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

Planning and Community Development Director Turner introduced a request by Lowe's Home Center's Inc. to obtain a Special Use Permit to operate a restaurant-kiosk at 201 Linda Lane. She explained that this property is zoned M-1 General Industrial District and restaurants are only permitted by a special use permit. The applicant wants to operate a restaurant-kiosk in front of Lowe's Home Center. There will not be any seating associated with the restaurant-kiosk. If approved, the proposed restaurant-kiosk will be required to meet all building code and site requirements. The building code does not require a structure to be put on a permanent foundation unless it will be in place for longer than twelve months. Lowe's Home Center is required to have 715 parking spaces and they have provided 716 parking spaces. The kiosk would require one parking space and the extra space provided on the site would meet this requirement. She said that Planning Commission has recommended approval of this request with the provision that before the conclusion of the twelve-month period, the kiosk will be placed on a permanent foundation.

At 7:40 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, July 27, and Monday, August 3, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 11, 1998 at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following:

Special Use Permit:

Request by Lowe's Home Centers, Inc. to obtain a Special Use Permit to operate a restaurant-kiosk at 201 Linda Lane. The property is identified as parcel 13(A)2 on the City of Harrisonburg's block maps and is zoned M-1.

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

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against this special use permit. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve Planning Commission recommendation as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner introduced a request by the Driver Corporation to rezone approximately 44,347 square feet located at 1590 South Main Street from M-1 to B-2. The property is identified as parcel 10(C)10 and a portion of 10(C)9 on the City of Harrisonburg's block maps. She explained that the applicant is requesting to rezone the property from M-1 General Industrial District to B-2 General Business District to allow use of an unoccupied building for commercial purposes. Mrs. Turner reviewed the zoning classifications surrounding the property. Two buildings are currently located on this property which include Yee's Place restaurant and a former branch of First Union bank. Both the restaurant and the bank are uses not permitted in the M-1 General Industrial District which the property is currently zoned. They would be permitted by a special use permit in the M-1 General Industrial District. Yee's Place has not applied for a special use permit and is operating as a legal nonconforming use under current regulations. Yee's Place is nonconforming in terms of parking and will not require additional parking unless the building is expanded. Parking provided for the vacant bank building appears sufficient for a variety of commercial uses. The Comprehensive Plan recommends commercial use in the area. She said that Planning Commission recommended approval of the request.

At 7:43 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, July 27, and Monday, August 3, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 11, 1998 at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following:

Rezoning:

Request by the Driver Corporation to rezone approximately 44,347 square feet located at 1590 South Main Street from M-1 to B-2. The property is identified as parcel 10(C)10 and a portion of 10(C)9 on the City of Harrisonburg's block maps. The Comprehensive Plan recommends this 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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Mark Callahan

, attorney for the Driver Corporation, said that rezoning the property would allow for a different use for one small building which is unsuitable for M-1. 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 rezoning request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner presented a request to amend Section 10-3-25(10) and 10-3-25(8) of the Zoning Ordinance which pertains to off-street parking. She explained that residents in R-2 neighborhoods, especially in Old Town near the University, complained of not having enough on-street parking in their area. Problems are starting to exist when somebody changes their house from a single-family residential use to a house occupied by four unrelated individuals and not providing enough off-street parking. The majority of single-family homes do not have enough off-street parking. Mrs. Turner said that Planning Commission set up a Parking Study Committee to address these concerns and make some recommendations expressed by the residents in these neighborhoods. Concerns expressed by neighbors included the increasing number of people relying on on-street parking as their only parking, people parking in a grass yard area regardless if there were a driveway, and parking of commercial and recreational vehicles on the street. Issues not directly related to zoning but related to parking included the methods of issuing decals to tenants of rental properties and how readable the year was on the parking decals. Discussion included the methods of issuing decals, the number of decals issued to a single-family home, coordinating with the zoning office if more than four people requested decals per home, suggestions for the Treasurer and the Police Chief on making the year more readable on the decals, the status of some of the existing non-conforming uses, and detached single-family homes with boarders. She said that the committee suggested that Planning Commission and City Council consider two amendments to the off-street parking requirements contained in the Zoning Ordinance. The first proposed amendment would be to require if somebody changes or converts their home from a single-family dwelling to a dwelling occupied by non-related persons that they have to provide one off-street parking space per tenant. The second proposed amendment would require that all off-street parking should be in a driveway or parking area and could not be in the front lawn area. She said that enforcement would have to be on a complaint basis. She also noted that some homes may never qualify for off-street parking if they are

converted under the proposed regulation because of the narrowness of some residential lots. However, Planning Commission did recommend that Zoning Ordinance Section 10-3-25(10) be amended to require one off-street parking space per tenant in single-family detached dwellings occupied by non-related persons and also a change to Section 10-3-25(8) to require that in all districts, all off-street parking shall be in a gravel, asphalt, or other surfaced parking area or driveway, which otherwise meets the requirements contained herein.

At 7:50 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, July 27, and Monday, August 3, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 11, 1998 at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following:

Ordinance Amendments:

Consider an amendment to the off-street parking regulations to add a parking requirement for single-family detached dwellings occupied by non-related persons. *Section 10-3-25.*

Consider an amendment to the off-street parking regulations to add a requirement that all off-street parking be in a gravel, asphalt, or other surfaced parking area or driveway. *Section 10-3-25.*

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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against amending the zoning ordinance.

Pat Sweet

, a member of the parking committee, stated that there are many parking concerns in R-2 neighborhoods. He explained that the committee looked at all possible solutions to help the on-street parking problem in R-2 neighborhoods including parking problems on Paul Street, old South High Street, Gratten Street, and Campbell Street. He encouraged Council to amend the zoning ordinance to help the R-2 neighborhoods with the parking.

Les Bolt

, a resident of Campbell Street for 16 years, stated that there is a constant battle to try to keep the quality of life up in the R-2 neighborhoods, especially in Old Town near the University. There has been a significant turnover in the families within the neighborhood especially with younger families moving in, and houses

being upgraded or updated. There is a constant issue of how to deal with the JMU student population. The characteristic of the neighborhood is primarily residential and he said that it should be protected.

Norm Sanger

, a resident of Old South High Street for 40 years, stated that when he moved into the neighborhood, there were only two single-family houses. Currently houses have six to eight tenants who are parking in the front yards, sidewalks, and other neighbors' property.

Howard Turner

, a resident of South High Street, explained that there are too many college students on the street. He mentioned that last winter during a snow storm, he moved his car off the street and shoved a place to park it, and upon returning a student had taken the parking space. 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 problems being created when a single-family home is converted to rental property, no changes to people who are currently renting houses to unrelated individuals, tighten requirement for verification upon requesting parking permits, enforcement, existing non-conforming uses allowed to continue, houses existing on small lots, houses not having adequate parking space, and the legality of the problem. Vice-Mayor Lantz offered a motion to table the proposed amendments and requested that City Attorney Thumma provide Council with a report by the next meeting. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

Council Member Green offered a motion to approve a request from the Downtown Harrisonburg Retail Merchants Associates to hold a Christmas Tree lighting ceremony on Friday, November 27, 1997 at 7:00 p.m. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

Vice-Mayor Lantz offered a motion to approve a request from the Downtown Harrisonburg Retail Merchants Associates to hold a Christmas parade on Friday, December 4, 1998 at 7:00 p.m. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

Representatives from the Downtown Harrisonburg Retail Merchants Association presented several proposals to City Council to place informational kiosks around Court Square. These kiosks would be installed around Court Square and would contain information for tourists, visitors and other people visiting the downtown area. It was mentioned that the Rotary Club is working on a plan around Court Square that may be in conflict with this proposal. This plan could include a play park, benches, a water fall and hopefully total involvement from many organizations and clubs in addition to the County and City in this project. It was also suggested the Convention and Visitors Bureau should be involved in any project. No action was taken on this proposal.

City Manager Stewart presented a recommendation for Council's consideration to set a 25 mph speed limit in work zones with a maximum \$250.00 fine for violators. He explained there is a lot of construction in the City and motorists are ignoring work zones and failing to slow down while passing through these areas. It could become very dangerous for the workers. Discussion included language from the state code on the maximum fine, maximum speed limit in work zones, maximum fine for speeding in posted work zone, posted portable speed limit signs, and portable signs being placed close to the work area. Council Member Green offered a motion to approve this recommendation for a first reading provided that the concerns voiced are answered before the second reading as to the type of sign and verbiage on the sign. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation of funds encumbranced at June 30, 1998. 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 motion to approve this request for a first reading, and that:

\$80,426.47 chge. to: 2011-31010 Amount from fund balance

27,097.05 chge. to: 2012-31010 Amount from fund balance

68,254.00 chge. to: 2013-31010 Amount from fund balance

17,000.00 chge. to: 2014-31010 Amount from fund balance

1,930.75 chge. to: 2015-31010 Amount from fund balance

\$ 8,902.95 approp. to: 2011-372061-48181 Buildings and grounds

19,885.00 approp. to: 2011-372061-48225 Radio meters

1,727.00 approp. to: 2011-372061-48273 Software

12,526.52 approp. to: 2011-372061-48291 Engineering/mapping

34,385.00 approp. to: 2011-372061-48295 WIP-Annex area #2

3,000.00 approp. to: 2011-332061-43310 Repairs and maintenance

2,097.05 approp. to: 2012-472061-48181 Buildings and grounds

25,000.00 approp. to: 2012-472061-48225 Radio meters

25,000.00 approp. to: 2013-812081-43100 Professional services

43,254.00 approp. to: 2013-872081-48254 School buses

17,000.00 approp. to: 2014-972043-48151 Motor vehicles and equipment

1,930.75 approp. to: 2015-410641-43360 Maint. & repairs - Buildings and grounds

The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to cover expenses for salary, overtime, and benefits for a school resource officer. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$26,436.00 chge. to: 1000-33505 School Resource Officer

\$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 Insurance

137.25 approp. to: 1000-310131-42060 Life Insurance

346.50 approp. to: 1000-310131-42110 Worker s Comp.

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to cover overtime and FICA for drug interdiction, purchase two (2) portable radios, and to purchase a second K-9 dog and necessary equipment. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$24,012 chge. to: 1000-32524 Enhancing Drug Enforcement

\$14,960.70 approp. to: 1000-310131-41020 Salaries/Wages OT

1,239.30 approp. to: 1000-310131-42010 FICA

1,962.00 approp. to: 1000-310131-48131 Radio Equipment

5,850.00 approp. to: 1000-310131-48241 Police K-9

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that this money from COPS MORE GRANT will be used to purchase new radio equipment and

recover rest of property clerk's salary. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$32,787.95 chge. to: 1000-31010 Amount from fund balance

\$30,000.00 approp. to: 1000-310131-48231 Radio Equipment

2,787.95 approp. to: 1000-310131-41010 Regular salaries

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to cover expenses for office

supplies and miscellaneous equipment for crime prevention. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$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 recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

At 8:32 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, and the evaluation of a City department, 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. Consultation with the City Attorney 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, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

At 11:25 p.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the executive session by the City Council.

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

CLERK

MAYOR

REGULAR MEETING

AUGUST 25, 1998

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

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

Assistant City Manager Baker introduced 17 new City employees: Michael Sheets, Edward Grant, Wesley Chesser, Kenny Knight, Jeremy Wisman, Public Works Department; Dave Garber, Jane Martin, Traci Lindsey, Vickie Conley, Rachel Barnes, Jesse Dugger, Phyllis Lancaster, Kelly Zirkle, Public Transportation Department; Fred Good, Cindy Cull, Christopher Rush, Police Department; and Mary Naylor, Community Development Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the Police Department, and the re-appropriation of several outstanding encumbrances. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

City Manager Stewart presented a recommendation for Council's consideration to set a 25 mph speed in work zones with a maximum \$250.00 fine for violators. He explained that Council Members had expressed several concerns regarding the type of sign, sign verbiage, and maximum speed fine in construction zones at the last Council meeting. Public Works Director Baker said that construction projects are posted with standard "Road Under Construction" signs around the perimeter of the project. The maximum fine will apply only to speed violations which occur within an active work zone during the day within the project limits. Mr. Baker noted that the judge determines the amount of the fine. Police Chief Harper said the work zone speed limit has to be posted for the entire construction area; however, the maximum \$250.00 fine is only enforceable in the active work zone. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve setting a maximum \$250.00 fine for violators exceeding the posted speed limit in a posted work zone.

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

Planning and Community Development Director Turner introduced a request by Edward F. Budd and Walter Trobaugh, III, for approval of a preliminary plat entitled "Brayton Subdivision," with a variance to the City's standard for cul-de-sac length. She explained that this request is to subdivide a 14.191 acre parcel located at the western end of Sharon Street and Middlebrook Street into 69 lots. The property is zoned R-2 Residential District and the developers are proposing to build duplexes. The site is currently vacant and is surrounded by a variety of land uses. Mrs. Turner reviewed the zoning classifications surrounding the property. The applicant is requesting a variance to the City's standard for cul-de-sacs. The Design and Construction Standards Manual places a limit of 800 feet in length, with a maximum of 20 units served. The preliminary plat of Brayton Subdivision shows that the length of the cul-de-sac portion of Sharon Street exceeds City standards. The plat shows an approximately 1,230 foot cul-de-sac serving approximately 43 units. She noted that this property would be difficult to develop and have a through street. Railroad tracks and grade problems located immediately north of the property preclude Sharon Street's connection to South High Street. She said that Planning Commission recommended approval of the request. 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 Members present.

City Manager Stewart explained that the proposed amendments to the Zoning Ordinance pertaining to off-street parking had been tabled from the previous meeting until the City Attorney could provide Council with a report. City Attorney Thumma said that the proposed amendments from the Parking Study Committee may be an attempt to regulate the density of the R-2 Residential District through the use of parking regulations. He explained that since many older single-family neighborhoods have large houses on small lots, easing the parking crunch in these neighborhoods could lead to a lot of problems and potential litigation. When single-family homes have been converted into rental units, these conversions can add more people and their vehicles to the neighborhood without providing additional parking spaces. He said that density is the same in R-2 Residential District and R-3 Multiple-Dwelling Residential District. Lowering the density could reduce the existing problem in some neighborhoods. The special-use permit could be used to allow more unrelated people in homes that are on lots large enough to accommodate the off-street parking spaces. He noted that the City currently allows four unrelated people to live together in the same house. Discussion included how the special-use permit has been used in other applications, the success of the permit, allowing and putting controls on special conditions, and whether the special-use permit has been challenged. Council will have to approve special-use permits and can put conditions on them. If the conditions are not followed, the City can revoke the permit. City Manager Stewart said that if there is a solution to this problem, it really needs to be dealt with by looking at the density issue and not trying to control density through parking. In the past, the special-use permit has worked well for the City. City Attorney Thumma suggested that the Planning Commission should review the proposed regulations again from the stand point of density to explore alternatives to easing the parking crunch in these neighborhoods. Vice-Mayor Lantz offered a motion to refer the proposed amendments to the Planning Commission and requested that they review the City Attorney's recommendations and other appropriate alternatives. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

Council Member Rogers offered a motion to adopt the following policies: Residential Anti-Displacement & Relocation Assistance Plan, Local Business and Employment Plan, and Fair Housing Certification. Planning and Community Development Director Turner explained that adoption of these policies is required before the Department of Housing and Community Development will contract with the City for the Community Development Block Grant for Friendship Industries. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request from the Office on Children and Youth for additional funding. He explained that the City and County had agreed to match funds to establish this local office. The request is for an additional \$190.00 each from the City and County to match an additional \$1,142.00 in state funds. Vice-Mayor Lantz offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request to support an application for the Shenandoah Valley Partnership for funding a comprehensive City-County labor force analysis. He explained that the City of Harrisonburg and Rockingham County jointly submitted a proposal to the Shenandoah Valley Partnership (SVP) on June 30, 1998 to add the Harrisonburg/Rockingham County Comprehensive Labor Force Analysis to the Regional Strategic Plan for Economic Competitiveness. One primary reason is that the City is in a high growth area with a very low unemployment rate. Funds are available through the Regional Strategic Competitiveness Act which is being administered locally through the Shenandoah Valley Partnership. The City and County have jointly reviewed these proposals and are recommending the Wadley-Donovan Group as the preferred contractor for this analysis. Council is asked to consider authorizing the City Manager to sign a letter of support requesting funding for this project to the Shenandoah Valley Partnership. These are state funds and no local match is required. Council Member Rogers offered a motion to approve a letter of support for this application. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented the following proclamation recognizing September as National Alcohol and Drug Addiction Recovery Month.

PROCLAMATION

WHEREAS, alcohol and drug abuse and addiction is on the rise in our country and in our community; and

WHEREAS, James Madison University seeks to address the economic, social and cultural needs of the region; and

WHEREAS, The JMU Office of Sexual Assault and Alcohol and other Drug Abuse Prevention and the Counseling and Student Development Center is committed to raising awareness in regard to recovery from these addictions; and

WHEREAS, the Harrisonburg-Rockingham Community Services Board develops and maintains a continuum of innovative community-based treatment and rehabilitation substance abuse services.

WHEREAS, the Harrisonburg-Rockingham Community Services Board and James Madison University wishes to recognize every member of our community who is in recovery from an addiction.

NOW, THEREFORE, I, *Rodney L. Eagle, Mayor, of the City of Harrisonburg*, do hereby proclaim the month of September, 1998 as:

NATIONAL ALCOHOL & DRUG ADDICTION RECOVERY MONTH

and encourage City businesses, government agencies, educational institutions, community-based organizations, and service groups to support the philosophy that treatment of these addictions is effective. Supporting and enhancing the expansion of substance abuse treatment efforts needs to be a community effort. Substance abuse effects every single family in our community directly or in indirectly and substance abuse treatment is integral to reducing addiction in our community--in our country.

Date

Rodney L. Eagle, Mayor

Attest:

Clerk of City Council

City Manager Stewart explained that JMU Office of Sexual Assault and Alcohol and the Community Services Board have requested that Council proclaim September as National Alcohol & Drug Addiction Recovery Month. Vice-Mayor Lantz offered a motion to approve this proclamation. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request for a supplement appropriation for the Police Department. He explained that these funds will be used for the purchase of a second K-9 vehicle and make repairs to the Police department's building. These funds came from drug forfeiture money and can only be used for law enforcement. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$29,000 chge. to: 1000-31010 Amount from Fund Balance

\$14,000 approp. to: 1000-310131-48251 Motor Vehicles & Equipment

15,000 approp. to: 1000-310131-48181 Building & Grounds

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to purchase protective shield equipment for Police Officers entering a barricaded area. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$800.70 chge. to: 1000-31010 Amount from fund balance

\$800.70 approp. to: 1000-310131-48211 Machinery & Equipment

The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

Vice-Mayor Lantz stated that he had received a letter expressing concern about the year 2000 effect on computers and whether there would be any problems within the City. City Manager Stewart explained that an audit is being conducted of all the City departments to determine where we are and said that the Finance Department is taking the lead in this area. Finance Director Seal said that City's goal and objective is to be Y2K compliant in all software by June 30, 1999.

At 8:15 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, and the evaluation of a City department, 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. 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 public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

At 9:50 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 purchase 14.82 acres from the estate of Cleda J. Puffenbarger at a cost of \$200,000 financed over four (4) years with a 6.5% interest rate. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

Council directed that it meet in regular session on October 20, 1998 at 7:30 p.m. in lieu of the October 13 and 27 meetings due to attendance at the VML Annual Conference in October.

At 9:56 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

SEPTEMBER 8, 1998

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, CMC, 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 of several supplemental appropriations for the Police Department and land purchase. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request by Harris Fox, Inc. to close and vacate a .1385 acre portion of Moore Street. She explained that if this vacation is approved, then the developer of the Beacon Hill Subdivision proposes to purchase the area and use it for the Beacon Hill Subdivision. The developers have purchased the properties on either side of this right-of-way; therefore, no public street access will be blocked to any other property owners. If this portion of Moore Street is vacated, the Public Utilities department will require a twenty-foot wide exclusive water easement be provided in an acceptable location within the closed right-of-way to provide future water service to surrounding lots. She said that Planning Commission recommended approval of the request.

At 7:37 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily-News Record on Saturday, August 29, and Saturday, September 5, 1998.

NOTICE OF INTENTION TO VACATE A PORTION OF MOORE STREET IN THE CITY OF
HARRISONBURG

City Council Chambers

Tuesday, September 8, 1998

O:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, September 8, 1998 at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider an application to vacate an underdeveloped portion of Moore Street, in the City of Harrisonburg.

A request of Harris Fox, Inc. to vacate a portion of Moore Street, consisting of 3,944 square feet, that is located on the east side of North Main Street, in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of a plat showing the portion of the street to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG

Steven E. Stewart,

City Manager

Mayor Eagle called on anyone desiring to speak for or against closing a portion of Moore Street.

Steve Weaver

, attorney representing the owner and petitioner, said that this street is only 30 feet wide and does not extend into a cul-de-sac, it does not meet any criteria for a City street, nor does it connect to anything. Mr. Weaver requested that City Council not appoint a Board of Viewers and he reviewed and presented letters from the two adjoining property owners stating their support in vacating a portion of this street. There being no others desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve closing a portion of Moore Street for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

Police Chief Harper presented the following resolution for Council's consideration of approval.

RESOLUTION

WHEREAS, the Central Shenandoah Criminal Justice Training Center was originally organized in 1973 on

the campus of Blue Ridge Community College to provide basic and in-service training for law enforcement personnel, and

WHEREAS, the Training Center now serves more than 70 criminal justice agencies serving more than 50 political subdivisions and localities, and

WHEREAS, the Training Center's membership has remained stable and reasonably constant over many years, and

WHEREAS, the Training Center has moved on two previous occasions because it has outgrown the space available to it, and

WHEREAS, the Training Center is now in need of a new physical plant that will allow it to continue to provide quality criminal justice training on a cost-effective basis to its members, and

WHEREAS, the General Assembly has in recent years amended the Virginia Code to allow a regional criminal justice training academy to incur indebtedness without obligating a member governmental unit, and

WHEREAS, the Training Center's charter needs to be revised and reconstituted as the Central Shenandoah Criminal Justice Training Academy;

NOW THEREFORE, BE IT RESOLVED by the Mayor of the City of Harrisonburg, Virginia, pursuant to Virginia Code § 15.2-1747, that the Charter of Central Shenandoah Criminal Justice Training Academy, a copy of which is attached to this Resolution and incorporated herein by reference, be and it is hereby ADOPTED, and said governmental unit joins as a member of this Academy formed for the principal purpose of establishing and conducting criminal justice training and education for criminal justice personnel.

This Resolution shall become effective upon adoption, and the Clerk is directed to forward an attested copy to the Executive Director, Central Shenandoah Criminal Justice Training Academy, 211 12th Street, Waynesboro, Virginia 22980.

ADOPTED this _____ day of _____, 1998.

Mayor

Title

Attest:

Clerk

Police Chief Harper explained that by adopting this resolution, City Council will be supporting a Charter change to the academy. He said that the Charter is changing its name from Central Shenandoah Criminal Justice Training Center to the Central Shenandoah Criminal Justice Training Academy. He also said that the Virginia State Code allows a regional criminal justice training academy to incur indebtedness without

obligating a member governmental unit. Vice-Mayor Lantz offered a motion to adopt this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart stated that the Virginia Municipal League Conference has been scheduled for October 4-6, 1998. Council Member Rogers offered a motion naming Mayor Rodney Eagle as the voting delegate and Vice-Mayor Hugh Lantz as the alternate delegate. 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 Police Department. He explained that these funds will reimburse the Police Department for equipment purchases for bike safety and child safety check point grants. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,967.49 chge. to: 1000-32520 DMV Grant

\$1,967.49 approp. to: 1000-310131-46140 Other operating supplies

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

At 7:45 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 Social Services Advisory Board, Community Services (Chapter 10) Board, Harrisonburg Redevelopment and Housing Authority, Building Code Board of Appeals, Parks and Recreation Commission, Harrisonburg Planning Commission, and Harrisonburg Electric Commission, and the evaluation of a City department, 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 probable litigation, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 8:40 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 8:50 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

SEPTEMBER 22, 1998

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, CMC, and Chief of Police Donald Harper.

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

Assistant City Manager Baker introduced four new City employees: Jennifer Whistleman, Human Resource Director; Roderick Pollard, Scott Dinkel, and Victoria Kielbasa, Police Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department, closing a portion of Moore Street and referring a request to close a portion of Country Club Road to the Planning Commission. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Council Member Green
Mayor Eagle

No - None

Frederick G. Griffin, a professional radio consultant, presented a brief report for Council's consideration regarding the City's current radio communication system. He said that his firm had been hired to help determine and identify deficiencies in the present radio communication system and present an alternative that would benefit the City. The City's current radio communication system lacks insufficient coverage, lacks inter-agency communications capability, operates on three different frequencies, and its aging equipment makes it more difficult to find spare parts. The City's system has not been growing with the population and nothing has been built into the infrastructure regarding future data in the field. He suggested that the City implement a trunked simulcast radio system to provide a utility telephone switchboard in the sky for radio users which will require a relicensing process. He recommended that the communication system should have a consolidated dispatch center and described the system as "akin to cellular telephones, only instead of a person-to-person system like cellular, it is a group-to-group (dispatch) and priority management control." This is a utility type project which means there is an up-front infrastructure cost. He noted that if the

system is upgraded, it can be expected to last for 15 to 20 years. The next step in the process involves a minimal amount of money, but a maximum amount of planning. Mr. Griffin also said that improvements to Harrisonburg's radio communications system could cost approximately \$3.3 million; however, it will take approximately two years before any money will be needed for this project. This report is not intended to be used as a design document, but rather it should be used for planning, developing budgetary plans and a basis for future designs. City Manager Stewart noted that staff will be preparing an update to the Capital Improvement Program and this report will be very helpful in determining a radio communication system for the City of Harrisonburg.

✓ Mayor Eagle presented the following resolution for Council's consideration of approval.

RESOLUTION

WHEREAS, December 31, 1999 will mark the turn of the century, the millennium, into the year 2000 and signal a period of re-birth, re-evaluation, re-dedication and resolve for the people of the City of Harrisonburg, the commonwealth of Virginia and the world; and

WHEREAS, the objectives of *First Night®-Harrisonburg*, which takes place on New Year's Eve of each year, are to recapture the symbolic significance of the passage from the old year to the new; to unite the community through a shared cultural celebration; and to deepen and broaden the public's appreciation of the visual and performing arts; and

WHEREAS, further objectives of *First Night®-Harrisonburg* are to cultivate a sense of community, bring together the family, revitalize the downtown and decrease alcohol consumption on New Year's Eve; and

WHEREAS, *First Night®-Harrisonburg* has now held seven consecutive years of New Year's Eve celebrations in the City of Harrisonburg, attracting thousands of persons each year; now, therefore, be it

RESOLVED, that the Mayor and City Council shall endorse *First Night®-Harrisonburg 2000*; and be it further

RESOLVED, that *First Night®-Harrisonburg 2000* shall be declared henceforth as "Harrisonburg's Official Millennium Celebration."

Adopted this the 22nd day of September, 1998.

Mayor

Attest:

City Clerk

RESOLVED, That this resolution, in its entirety, be spread upon the minutes of the Harrisonburg City Council.

Witness the following Signatures and the Seal of the City of Harrisonburg, Virginia, this 22nd day of September, 1998.

Rodney L. Eagle, Mayor

Hugh J. Lantz, Vice-Mayor

John H. Byrd, Jr., Council Member

Dr. Walter F. Green, III, Council Member

Larry M. Rogers, Council Member

Yvonne H. Ryan, CMC, City Clerk

✓ City Manager Stewart noted that Ms. Ore had retired after serving 25 years on the Harrisonburg Electoral Board. This resolution was proposed by the board in her honor. He also noted that Council Member Byrd had suggested that all Council Members sign the original resolution. Council Member Green offered a motion to approve this resolution. 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 cancellation of the December 22 Council meeting and to move the December 8 meeting to December 15. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request to accept the delinquent tax collection report and to authorize the City Treasurer to advertise delinquent real estate taxes for 1997-1998. Council Member Rogers offered a motion to authorize the City Treasurer to advertise the delinquent real estate taxes. The motion was seconded by Vice-Mayor Lantz, 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 which were adopted by the Harrisonburg City School Board on June 2, 1998. Council Member Rogers offered a motion to approve the transfer of these funds:

\$83,594 chge. to: 111114-40640 Operation and Maintenance

\$83,594 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 supplement appropriation for the Reservoir Street project. He explained that these funds came from interest earned on the road bonds which will

be used toward the Reservoir Street project. Council Member Green offered a motion this request for a first reading, and that:

\$244,542.52 chge. to: 1310-31010 Amount from fund balance

155,457.48 chge. to: 1310-31513 Investment earnings

\$400,000.00 approp. to: 1310-910141-48607 East Side Road Improvements

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Council Member Green
Mayor Eagle

No - None

✓ City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 11-5-3, 11-5-6 and 11-5-7 of the Harrisonburg City Code. He explained that in reviewing amendments to the sign ordinance he discovered an ambiguity that should have been noticed when these ordinances were amended four or five years ago. Amending these sign ordinances will clarify an interpretation concerning total signage area of property allowed in business and industrial districts. It will change the language; however, it will not change what the City has been enforcing for years. Council Member Rogers offered a motion to approve these ordinances for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Council Member Green
Mayor Eagle

No - None

At 8:03 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Community Services (Chapter 10) Board, Harrisonburg Redevelopment and Housing Authority, Building Code Board of Appeals, Parks and Recreation Commission, Harrisonburg Planning Commission, and Harrisonburg Electric Commission, and the evaluation of a City department, 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. Consultation with the City Attorney and

briefings by staff members on a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 10:22 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 Paul McFarland, 99 Laurel Street, be appointed to a second term on the Community Services (Chapter 10) Board to expire on November 14, 2001. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Steven Hottle, 267 Campbell Street, be appointed to a second term on the Building Code Board of Appeals to expire on November 30, 2003. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Carl Wassum, 1169 Westmoreland Drive, be appointed to a second term on the Building Code Board of Appeals to expire on November 30, 2003. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Green offered a motion that James E. Huffman, 1214 Windsor Road, be appointed to a first term on the Planning Commission to expire on December 31, 2002. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Rudy Propst, 970 Turkey Run Road, be appointed to a second term on the Planning Commission to expire on December 31, 2002. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Gary D. Buennemeyer, 471 Andergren Drive, be appointed to a second term on the Harrisonburg Electric Commission to expire on December 31, 2001. The motion was seconded by Vice-Mayor Lantz, 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.

Yvonne Ryan, CMA
CLERK

Rodney L. Eagle
MAYOR

REGULAR MEETING

OCTOBER 20, 1998

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, CMC, 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 a supplemental appropriation for the Reservoir Street project, and the second reading of an ordinance amending and re-enacting Sections 11-5-3, 11-5-6, and 11-5-7, and repealing Section 7-4-26 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request to consider removing Article L. R-5 Planned Single-Family Residential District from the Zoning Ordinance. She explained that the R-5 zoning classification was inserted into the zoning ordinance in 1996 in an attempt to encourage development of affordable single family detached dwellings on lots as small as 5,000 square feet. At that time, when this classification was inserted into the zoning ordinance, the City did not have any land in this classification. In the fall of 1996, a developer made a request to rezone property from R-1 to the R-5 zoning classification. Staff recommended deferral of the request to ensure that the application met the affordability intent of the zoning classification. After considerable discussion on the issue of affordable housing, Planning Commission could not reach an agreement on whether R-5 zoning should be tied to economic factors. Differing opinions on the definition of affordability have caused Planning Commission to consider removing R-5 from the zoning ordinance. On February 12, 1997, Planning Commission held a public hearing and voted to recommend removal of the R-5 district; however, City Council later voted to retain the classification. In May 19

98, Planning Commission received a request to rezone property on Pleasant Hill Road from the existing R-1 classification to R-5 classification. The applicant proposed that all houses in his subdivision would qualify for VHDA guaranteed funding. There was considerable neighborhood concern about the type of houses being developed, the impact on the schools, and the traffic impact on Pleasant Hill Road. Planning Commission voted to recommend denial of the rezoning request and cited the concerns of traffic in additional to students entering the school system. She said that at a public hearing held in September 1998 nobody spoke in favor of removing this zoning classification and one person spoke in opposition to removing this zoning classification.

Mrs. Turner said that Tim Lacey, a developer, had submitted a letter suggesting a number of alternatives and why he opposed removing the R-5 zoning classification. Mrs. Turner reviewed some of these alternatives. She said that four Planning Commissioners voted in favor of removing the R-5 zoning classification from the zoning ordinance with one member voting in opposition to the motion.

At 7:40 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, October 5, and Monday, October 12, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 20, 1998 at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Ordinance Amendments:

1. Consider removing Article L. R-5 Planned Single-Family Residential District, from the 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 the 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 desiring to speak for or against removing the R-5 Planned Single-Family Residential District from the Zoning Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Discussion included encouraging affordable single-family detached dwellings, a zoning classification not being utilized, proffering a zoning classification to use single family rather than multi-family and use the advantage of smaller single-family lots. Council Member Byrd offered a motion for a first reading to approve removing the R-5 Single-Family Residential District from the Zoning Ordinance. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request by Timothy Lacey to rezone 1.7 acres located at 1410 West Market Street from R-1 Single-Family Residential District to R-3 Multiple Dwelling Residential District (conditional). She explained that in connection with the rezoning request, Mr. Lacey has proffered that there will be a maximum of four unit buildings and ten units per acre maximum. The purpose of this request is to add acreage to Westfield subdivision. This property is located on the north side of West Market Street and is adjacent to Mr. Lacey's existing Westfield subdivision. The Land Use Guide recommends the property for planned medium density residential use. This land-use category is intended for the planned development of multifamily uses, which would include single-family attached dwellings (townhouses and condominiums) and duplexes. The proffers that Mr. Lacey has made in connection with this request are the same proffers that apply to the adjacent 21 acres, which were rezoned from R-1 to R-3 Conditional in 1996. Records maintained by the City's Real Estate office show that homes in Westfield Subdivision have sold for \$89,500 to \$111,400, with an average sales price of \$98,850. The existing R-1 zoning would allow construction of approximately six units on the site, whereas the proposed R-3 conditional zoning would allow a maximum of 17 units. She said that Planning Commission has recommended approval of this rezoning request.

At 7:45 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, October 5, and Monday, October 12, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 20, 1998 at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following:

Rezoning

Request by Timothy J. Lacey to rezone 1.7 acres located on West Market Street from R-1 Single-Family Residential District to R-3 Multiple Dwelling Residential District (conditional). The Land Use Guide recommends the property, identified as parcel 37(C)1, 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 the 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 desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve Planning Commission recommendation as presented.

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

Greg Pfaff, representing the Harrisonburg-Rockingham Convention and Visitors Bureau, presented a brief report on the activities of the bureau. He said that when he was elected president of the bureau, it was only a committee and was still a part of the Chamber of Commerce. At first as a committee, he said that they struggled to gain some identity, sense of place, and focus on directions. The committee has now developed into the Harrisonburg-Rockingham Convention and Visitors Bureau and is located in a separate facility from the Chamber of Commerce. They started a community awareness campaign to provide information regarding the area and to tell the world that Harrisonburg is the best place to live and work. The bureau has been growing and gaining recognition which a few years ago people thought was unobtainable.

Ruth Deskins, Harrisonburg-Rockingham Convention and Visitors Bureau Director, said that from a historical perspective, the Visitors Center has had a positive increase in number of tourists in the Visitors Center. She noted that 15,929 visitors came to the Harrisonburg-Rockingham Convention & Visitors Bureau during the last year. The bureau works to attract the motor coach tourist to the area, along with meetings and conventions, and premier sport events. In April 1997, Governor George Allen announced that the Harrisonburg-Rockingham Convention & Visitors Bureau had successfully completed the Virginia Tourism Corporation's Accreditation Program. The bureau is now a certified tourist information center. Mrs. Deskins reviewed the many events held in the area including the 1997 Grundig/UCI Downhill World Cup at Massanutten Resort, a snow tubing event, the new Court Square Theater, the Virginia Quilt Museum, Civil War interest tours, fall get away tours mentioned in the Washingtonian magazine, and the many other articles appearing in various magazines.

Mike Holmes

presented a request for an endorsement of a state song entry. Mr. Holmes said that he had noticed a story in the Daily News-Record featuring a Virginia state song contest entry by Staunton resident Bob Campbell. The story related Bob's efforts at promoting his song, and that he had secured the endorsement of the Staunton City Council. Mr. Holmes and Mr. Campbell performed in a musical group together. He said, "I think it would be great fun for Harrisonburg and Staunton to engage in a friendly rivalry over the two songs." Mr. Holmes played the song for everyone and gave special recognition to area resident Tonya Painter who sang the song. Council Member Rogers offered a motion to endorse this song. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Tony Bopp

, a resident of Sharon Street, expressed his concern regarding the extension of Sharon Street and Middlebrook Street into cul-de-sacs because of a proposed residential subdivision. He said that although City Council had reviewed and approved the preliminary plat of the Brayton Subdivision in August 1998, he questioned whether Council acted correctly when it granted the variances, which must be based on a hardship. He also questioned whether the new owners of the 14.191 parcel had purchased the land before or after March 1997. He noted that both the Planning Commission and City Council's minutes in March 1997 reflected that the issue concerning maximum length, City-wide needs, builder needs, neighborhood needs, and planning needs of cul-de-sacs were reviewed. He noted that the City's standard was amended to be 800 feet with 20 units as the maximum. He said that now they are told that the streets will be extended in a cul-de-sac that has two huge variances. It will be 1,230 feet in length containing 43 units. The only reason given in the City's standard book for allowing such a variance is that of unnecessary hardship. Mr. Bopp insisted that an unnecessary hardship was not discussed at the City Council meeting; therefore, the granting of the variance was not proper. He said, "Please tell me how a builder can buy a piece of land, expect to make a profit under the existing code, then discover that if the code is broken and more profit can be made, a hardship can be claimed?" He felt that by allowing these variances the City was rezoning the residential property without going through a rezoning

hearing. He requested that Council rescind the variance.

Sandy Bopp

said that a variance was requested in August 1998 for the development of a 1,230 foot cul-de-sac with 43 units, 69 lots in total to be developed at the end of Sharon Street and Middlebrook Street. The land owners of the adjacent property have the following concerns: utility reading cost, refuse collection cost, snow removal cost, school bus transportation cost, fire safety, vehicles usage, and pavement repairs. Safety is the most concern. The residences of Sharon Street and Middlebrook Street will encounter great hardships because of these two variances being granted.

Richard Dunn

, said that when he bought his home in 1986, he did not have any children. Now he has two children and considered living on a dead-end street to be safe. He said that he would be very concerned with safety and traffic if this development is built. There will be more vehicles on the street which does not have sidewalks where his children are riding their bicycles. He suggested that City Council reconsider their decision.

Ellen Sumner

, a resident of Sharon Street since 1974, said that she had built her home in the area because of the dead-end street. She said that she was concerned with the traffic flow from Sharon Street and Middlebrook Street. There appears to be no evidence of pre-planning in regard to the traffic pattern and flow in and out of the area. She noted that sometimes it is impossible to get onto Pleasant Hill Road from Central Avenue. Pleasant Hill Road has no curbs, gutters or sidewalks. She insisted that this development was approved by the Planning Commission and City Council without the knowledge or the input of the residents and taxpayers of the area who are adversely affected.

Elizabeth Carney

, a resident of Emery Street and Pleasant Hill Road, complained about the heavy traffic on Pleasant Hill Road.

Charles Morrison

, a resident of Middlebrook Street, explained that he built his home in 1977 and choose the area because of the dead-end street. The quality of life that they have enjoyed living in this area will change because of the increased traffic and safety will be a factor.

Mayor Eagle thanked everyone for their comments and said that he thought it was a good workable plan when they discussed it at the Planning Commission meeting. Planning and Community Development Director Turner explained that the only reason the preliminary plat came to City Council was because of the variance associated with the cul-de-sac. City Council discussed concerns regarding the topography consideration and trying to tie the street extension into High Street at the railroad crossing. She also said that this property had been zoned R-2 since it came into the City in 1962 or 1963. City Attorney Thumma agreed with Mrs. Turner's comments and said that the variances were discussed at the City Council meeting. These variances which City Council approved complied with the ordinance. Mr. Thumma noted that you have to differentiate between the subdivision ordinance and zoning ordinance and in this particular case the property was zoned R-2. He explained that if a developer submits a plan that complies with the subdivision ordinance and City Council approves the variance, then if the final plat is submitted and agrees with the preliminary plat it must be approved. Mrs. Turner noted that consideration was given at both the Planning Commission meeting and

City Council meeting regarding the hardship of the property.

City Manager Stewart presented for Council's consideration a request from Harrisonburg High School to hold a homecoming parade on November 2. He explained that Jim Baker, Director of Public Works, had suggested that the parade route be modified to use the access road along High Street as opposed to using Route 42. Council Member Green offered a motion to approve this request with the modifications suggested by Mr. Baker. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration of a first reading adopting a Harrisonburg Auxiliary Police Force ordinance. Police Chief Harper explained that the auxiliary units would support the Police Department in all facets of the organization. These auxiliary units would be available in a time of emergency to preserve peace, safety, the good order of the community and for training purposes. Each auxiliary officers will be required to perform a minimal of twenty-four hours of service each month. Auxiliary officers will be used in traffic accidents, parades, and administrative duties such as communication, records, and property. After a lengthy and considerable discussion expressing many concerns and issues including cost of liability insurance, uniforms, and equipment, Vice-Mayor Lantz offered a motion that this ordinance be tabled until more information can be provided by Police Chief Harper. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Quite T. Please

expressed his concern about crime in the City and volunteered to be a member of the Auxiliary Police Force.

City Manager Stewart presented a request authorizing the execution of documents necessary to issue Virginia Public School Authority, VPSA, refunding bonds. He explained that the Virginia Public School Authority has refunded certain of its 1987 bonds of which the City owned a portion. It was a state-wide issue and now these bonds are being refunded at a lower interest rate. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will reimburse the Police Department for safety software and overtime work in a Federal drug case. Council Member Green offered a motion to approve this request for a first reading, and that:

\$314.40 chge. to: 1000-1901 recoveries & rebates

342.00 chge. to: 1000-2520 DMV grant

\$314.40 approp. to: 1000-310131-41020 Salaries & Wages/OT

342.00 approp. to: 1000-310131-46140 Other operating supplies

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation from the School Board. School representatives explained that these funds are unanticipated receipts from the Federal and State Revenues and from fund balance. These funds will be used for computer education, professional development, drug-free education, math/science curriculum writing, and construction. This appropriation requires no new local dollars. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$100,000 chge. to: 111114-31010 Amount from unapp. fund bal.

111,404 chge. to: 111114-33301 School Revenue - Federal

271,847 chge. to: 111114-32442 School Revenue - State

\$210,804 approp. to: 111114-40610 Instruction

600 approp. to: 111114-40620 Adm., Attendance & Health

271,847 approp. to: 111114-40640 Operations and Maintenance

The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Taines Rontopoulos, an instructor with Central Security U.S. Training and Development, expressed his concern regarding the arrest power of the Auxiliary Police Force. He said that the City has paid police officers to protect the citizens. These individuals have gone through extensive training at the training academy. The paid police officers are paid to do a thankless dangerous job and he felt it would be dangerous to ask a volunteer to put his/her life on the line for the City. He suggested that the City needed to hire more police officers who are trained at the proper academy and wearing the City's uniform.

Council Member Rogers commented that several weeks ago he had spoken at a JMU Student Government Association. The group wanted to send a representative to the City Council meeting. Kim Washtis, a senior at James Madison University, explained that the government association was trying to establish a link between the Harrisonburg City Council and JMU Student Government Association. The association would like to keep the students more informed on what is going on in the community to hopefully have a more positive relation between the JMU student body and Harrisonburg. She said that she would be attending every meeting and presenting a report to the Student Government Association. She invited Council Members to attend their meetings.

At 9:05 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Harrisonburg Redevelopment and Housing Authority, and Parks and Recreation Commission, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for economic development purposes, 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 concerning probable litigation, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:28 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 Wilhelmina H. Johnson, 424 Myrtle Street, be appointed to a first term on the Social Services Advisory Board to expire on July 1, 2002. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Elon W. Rhodes, 366 Effinger Street, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2002. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

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

MAYOR

CLERK

cc: City Council

City Manager

Assistant City Manager

Director of Finance

Public Library

Charlene Rice

REGULAR MEETING

NOVEMBER 10, 1998

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, CMC, and Chief of Police Donald Harper.

Council Member Green 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 a supplemental appropriation for the Police Department and School Board. The motion also included removing Article L. R-5 Planned Single-Family Residential District from the Zoning Ordinance. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

Mayor Eagle presented the following resolution for Council's consideration of approval.

RESOLUTION

WHEREAS, The Honorable Charles S. McNulty, III, has been an untiring and dedicated public servant and has contributed greatly to the children and families in the City of Harrisonburg and to the practice of family law, throughout his career; and

WHEREAS, Judge McNulty, during his years of private law practice, actively served the community as Special Justice for Mental Commitments, Escheater, and Chairman of the local Electoral Board, as well as serving as a member of the DeJarnette State Psychiatric Hospital for Children's Local Human Rights Committee and ultimately Chair of the State Human Rights Committee where he was especially effective in promoting the rights of children and adults committed to state psychiatric hospitals; and

WHEREAS, Judge McNulty served as a District Court Judge with the 26th District Juvenile & Domestic Relations District Court since 1992 and as Chief Judge of that court since 1996; and

WHEREAS, Judge McNulty organized a broad-based Domestic Violence Task Force, created a special docket for spouse-abuse cases, was a driving force in the creation of the Harrisonburg-Rockingham Bar Association's Family Law Section, worked closely with the Center for Marriage and Family Counseling to

establish court-ordered supervised visitation and exchange program; and

WHEREAS, Judge McNulty was involved in the Abuse and Neglect G.A.L. Pilot Program for the Virginia Supreme Court, was appointed as one of two Virginia judges to serve on the House/Senate Legislative Task Force to Revise the Juvenile Justice System in Virginia; was appointed to the Virginia Juvenile Judges Association Liaison Committee with the Division of Child Support Enforcement, served on the executive committee and as Treasurer of the Virginia Council of Juvenile & Domestic Relations Judges; and

WHEREAS, Judge McNulty has been honored by many segments of the community: in 1997 he and Charlotte McNulty, his wife, were awarded the First Annual Outstanding Advocate for Child Abuse Prevention Award by the Child Development Clinic of James Madison University and in 1998 he was the recipient of the Virginia State Bar's Family Law Section Lifetime Achievement Award; and

WHEREAS, poor health led to Judge McNulty's resignation from the bench in September, 1998;

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council, on behalf of the citizens of Harrisonburg, does hereby recognize and express sincere gratitude to The Honorable Charles S. McNulty, III, for his numerous contributions to the City of Harrisonburg.

Given under our hand this tenth day of November in the year one thousand nine hundred and ninety-eight, A.D.

Rodney L. Eagle, Mayor Hugh J. Lantz, Vice-Mayor

Dr. Walter F. Green, III Council Member John H. Byrd, Jr., Council Member

Attest: _____

Larry M. Rogers, Council Member Yvonne Ryan, CMC, City Clerk

Mayor Eagle said that this resolution honors Judge Charles McNulty for his outstanding service to the citizens of Harrisonburg. City Council also presented Judge McNulty with a beautiful mantle clock. Council Member Green offered a motion to adopt this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration approval of the Charles McNulty Children and Families Center. He explained that the proposed center would be located on approximately two acres of land at the Ralph Sampson, Jr., Park on Washington Street. The City's commitment would be for a maximum of \$325,000 and approximately two acres of land located at the Ralph Sampson, Jr. Park. The cost for the facility would be shared jointly with Rockingham County. Joseph Sharrer, executive director of Harrisonburg-Rockingham Community Services Board, explained that the current building is very crowded with three people using an office designed for one person, clinical people using the waiting room to discuss sensitive matters with individuals, and scheduling problems. Community Services Board provides treatment for mental illness, mental retardation, substance abuse disorder, and prevention work. The new proposed center would provide service for child and family services and would be named after retired Juvenile and Domestic Relations Court Judge Charles S. McNulty, III. The center would be staffed with existing positions and services would include mental health therapy, children case managers, family preservation specialists,

child psychiatrist, infant programs, and adolescent substance abuse treatment and administrative support. He reviewed the cost and size of the proposed building and explained that the present building cannot continue to provide the increased service that needed to be done.

Conard Washington

, representing the Northeast Community Association and other groups, expressed concern about the children who would be receiving treatment for drug and alcohol abuse at this proposed center. He requested that City Council take additional time and review the current proposal to locate the Community Services Board's Family and Children Center on East Washington Street. He also questioned if this facility was built on the Washington Street site, whether it would have a negative impact on the School Board's site selection committee. He said "We are trying to clean up our area, and we are not looking for something to dirty it up." He also mentioned that the association supports the fine work of the Community Services Board; however, it does not support the facility being located at the East Washington Street site.

Council Member Green said that he was prepared to make a motion to support this request; however, he did not have an objection to waiting and discussing this issue with the association or other people. He noted that the facility would only require two acres of land and suggested that an area between the park (City owned land) and the Transportation Department could be cleaned up and used for parking for this facility. He also noted that in the 1970's the Washington Street area was in deplorable condition. The City Council authorized purchasing some of Hilltop Farm property for City purposes because it was the last piece of land adjoining the Water Department. The land was supposed to be used in the best way that would benefit the City. He also noted that in the future, if a new elementary school was built, it would only require four acres plus one acre for each 100 students. The present Simm's site contains 7.3 acres, and the adjacent Ralph Sampson, Jr. Park has 10.7 acres. If two acres are conveyed to the CSB, a total of 16 acres would remain in the two parcels which would be more than enough land for an elementary school. Further discussion included losing more land from the tax roll, Rockingham County has already appropriated funds for the center, giving up two acres of park land for this center, the possibility of a new proposed elementary school on this site, cleaning up an alley area next to the bus garage of the Transportation Department, CSB trying to make a difference in drug treatment and rehabilitation, adolescent substance abuse treatment being very minimal in the proposed new facility, and exploring other possible areas for this facility. Vice-Mayor Lantz offered a motion to approve this request for the entire project for a first reading with an opportunity for modification by the second reading on November 24. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Vice-Mayor Lantz

Mayor Eagle

Abstained - Council Member Rogers

Council Member Byrd

No - None

Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver presented a resolution for Council's consideration authorizing the issuance of "Bank-Qualified" bonds. She explained that these bonds will be issued through the Industrial Development Authority on behalf of Eastern Mennonite University. She said that in December 1995, the Rockingham County Industrial Development Authority issued \$7,500,000 of

tax exempt bonds for the benefits of Eastern Mennonite University. By refinancing these bonds now, it will allow Eastern Mennonite University to obtain a more favorable financing rate. City Manager Stewart clarified that although Council will be approving the issuance of these bonds by the Industrial Development Authority, it is not debt of the City and the City has no financial obligation for the repayment of this debt. Ms. Perry said that EMU is solely responsible for this debt obligation. Vice-Mayor Lantz offered a motion to approve this resolution as presented.

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

City Manager Stewart presented for Council's consideration a request for the Rescue Squad to hold a parade on May 1, 1999. Jeff Obenschain said that the Harrisonburg Rescue Squad was established in 1949 to render first-aid transport to Harrisonburg and Rockingham County citizens. Next year the Harrisonburg Rescue Squad will enter its 50th year of continuous service. All members past and present will be recognized and commended for their selfless untiring commitment and devotion to the service of their fellow men. The Harrisonburg Rescue Squad is planning to host a 50th anniversary celebration and he requested that Council grant permission to hold a parade on May 1, 1999. Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from Rockingham County Schools. He explained that Council had approved an allocation of water to the School Board to develop a new elementary school site on 33 West. This request is to amend the 1989 agreement with WestRoc to reduce the water allocation from 40,000 gpd to 34,000 gpd for their property. A separate agreement will be negotiated with Rockingham County Schools for water to the new elementary school on 33 West not to exceed 6,000 gpd. Mr. Stewart requested that staff be authorized to work out the details of the agreement between the City and Rockingham County and between the City and WestRoc Associates and bring an agreement back to City Council for final approval. 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.

Joan Strickler, Executive Director of First Night, requested support for the festival by closing certain streets and approving the fireworks permit. She also noted that this is the seventh year that Harrisonburg will celebrate New Year's Eve around Court Square. Plans for this year are identical to those of past years, in terms of our fireworks display and requests for street closing and sanitation crews. 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.

City Manager Stewart presented a request from the Retail Merchants Association. He explained that the association has requested permission to place luminarias around Court Square on November 27th as part of

the tree lighting ceremony and Christmas concert. This has been reviewed by Rockingham County. 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.

Vice-Mayor Lantz offered a motion to set a date of November 24, 1998 for a public hearing on the proposed Capital Improvement Program (CIP). The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Division's Capital Improvement Plan. He reviewed the proposed renovations for Harrisonburg's Keister, Waterman, and Spotswood Elementary Schools. He said that construction began on Keister Elementary School in 1953 at an estimated cost of \$464,000. The school opened in 1955, added a library and gym in 1975, and additional classrooms in 1981. Spotswood Elementary School opened in 1960 with an original cost of \$560,00, added a library and gym in 1975, and additional classrooms in 1982. Waterman Elementary School was built in 1911 at a cost of \$17,000 and has had additions and renovations during the last 87 years with a significant addition in 1994 at a major renovation cost of \$2.3 million. He said significant population changes and programs will affect the need for renovation and ultimately will impact the need for additional space. He noted that over one-third of the students enrolled in the City schools are being served in special programs including special education students, ESL students, and Title I students. Ben Motley, representing Motley and Associates, explained that his firm, which focuses on educational facility design, had conducted a feasibility study and condition report on the three elementary schools. The report identifies that major improvements are needed for roofs, windows, interior finishes, mechanical and electrical systems to include air-conditioning for all of the three schools and significant kitchen upgrades. Included in the report is also improving the bus and vehicle traffic on each site. Mr. Motley suggested improvement at Keister Elementary School should include a parent drop-off loop, a canopy on the front of the school, expanding the kitchen to improve the basic food service program, and a new elevator. Improvements at Spotswood Elementary School should include a parent drop-off loop, expanding the administrative offices and kitchen area. Waterman Elementary School improvements include a new dedicated parent drop-off loop and interior renovations. He reviewed the large discrepancy between his firm's estimates and the actual cost for work that they have already accomplished. He mentioned that the libraries and dining areas at all three elementary schools are oversized which will allow future enrollment at the schools. Dr. Ford reviewed what they have accomplished with the \$980,000 appropriation fund received from City Council. However, he noted that now is the time to employ an architect and approach the renovation from an entire systemic way. He also noted that these buildings are not crumbling down and just need some renovations to bring them up to modern standards. The request would be to renovate one elementary school each year for a total cost of approximately \$10,228,640.

Parks and Recreation Director Gucker presented a request to endorse a grant application to the United States Soccer Federation Foundation, Inc. She explained that the Harrisonburg Soccer Association and the Parks and Recreation Department are working together to submit a grant application to the USSFF for the construction of a regulation soccer field at Smithland Road. This grant is available on an annual basis and last year awarded \$2.5 million for various projects throughout the Country. The federation mission is to enhance and assist the sport of soccer. The grant award would be used to construct a third field, parking lot and irrigation system at the Smithland Road facility. Harrisonburg Soccer Association is providing the enrollment data, accounting information, and submitting the actual application. The City of Harrisonburg is providing in-kind support in the amount of approximately of \$87,000 which includes land cost, engineering services, maintenance services, and other parks and recreation staff related services. The previous development of the existing two new soccer fields is also being utilized as in-kind support. This is a wonderful, exciting opportunity in which the Harrisonburg Soccer Association and the City of Harrisonburg are working in partnership to provide an additional facility that will increase the quality of play and life for our young athletics.

Carolyn Frank

expressed her appreciation for the two new soccer fields at Smithland Road. She said that since soccer is growing in the community a third field is needed. Many of the game and practice fields have been overused and need a season of rest to recover. The association has grown to over 900 members which includes players, coaches, volunteer staffs, and referees. The kids love it and the program is a good community builder bringing people together in a positive and playful atmosphere. Council Member Green offered a motion to support this endorsement. The motion as seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Police Chief Harper presented a brief report on the formation of an Auxiliary Police Unit. He said that at the last Council meeting, several Council members had expressed concern about not having enough information regarding the Auxiliary Police Unit. He reviewed information outlining the program including responsibilities, selection process, duties, and general order governing the auxiliary unit and noted that the selection process is the same process used for hiring full-time officers. He also explained that the Auxiliary Police Unit will be required to complete 250 hours of training, classroom lectures, practical activity, and working with a Police Officer for five weeks of field training. He reviewed other localities that currently have an Auxiliary Police Unit. Discussion included auxiliary officers wearing a different uniform, being armed, initial training period, non-paid volunteers accompanying police officers, volunteers issuing future parking citations and because of the selection process getting great auxiliary officers. City Manager Stewart pointed out the provision to require the auxiliary officers to be City residents.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. This money is being reimbursed from a Division of Motor Vehicles grant for overtime spent for traffic enforcement. Council Member Green offered a motion to approve this request for a first reading, and that:

\$2,976.44 chge. to: 1000-32520 DMV grant

\$2,976.44 approp. to: 1000-310131-41020 Salaries & Wages/OT

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. He explained that these are state funds being used for hazardous materials, E-911 and fire program funds. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$79,724.53 chge. to: 1000-31010 Amount from fund balance

\$ 5,379.15 approp. to: 1000-320132-48203 Fire programs fund

55,821.66 approp. to: 1000-350532-45240 (911)

18,523.72 approp. to: 1000-350532-46160 Hazmat supplies

The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

Taines Rontopoulos

expressed his concern to Council that Columbia Gas Company has once again changed its procedure for connecting and hooking up new customers with gas service. He explained that the gas company has increased the hook-up fee without notifying the public of the increase. He also complained about having to install a new cut-off valve to a stainless steel flexible line behind every gas stove. He said that with the new cut-off valve and a new stainless steel flexible line, the fee has increased to \$80.00. A year ago, the fee was \$35.00.

Dale Diaz

said that taking two acres from the Ralph Sampson Park could set a precedent for all green space in the City for any future expansion or development. Green space may not generate revenue for the City, but is valuable to the entire community. Once it is appropriated for other uses, it is a loss to us and our children. She questioned if only park land could be used for this facility and suggested that some of the vacant buildings in the City should be purchased and renovated for this facility. City Manager Stewart noted that the vast majority of the vacant land in the City is park related land.

Scott Eichlin

, a Rockingham County resident, said that he is currently a corporal with the Waynesboro Police Reserves and has been serving since March 1995. He questioned the requirement of being a City resident to volunteer and serve on the Auxiliary Police Unit, when the regular police force only has the requirement of living one hour from the City. He said that having that restriction may excluded some very qualified candidates and requested that Council consider a resident requirement more consistence with the regular police force or other volunteers organization relating to emergency services. The auxiliary program will enhance the community policing already in place, provide enhanced crime prevention with more eyes and ears on the street, and may help to deter crime against regular officers. The City, citizens, and the Police Department will receive enormous benefit from implementing and supporting an Auxiliary Police Force.

At 9:57 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 Commission for the Office on Children and Youth and Parks and Recreation Commission, exempt from public meeting requirements

pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for economic development purposes and disposition of publicly owned real estate, all 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 concerning probable litigation, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:30 p.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the executive session by the City Council.

Council Member Rogers offered a motion that Roger A. Jones, 1216 Windsor Road, be appointed to a second term on the Parks and Recreation Commission to expire on December 31, 2002. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Byron Bullock, 680 Blue Ridge Drive, be appointed to fill the remainder of Henry Whitelows term on the Youth Services Commission. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Elroy Miller, 1401 North College Avenue, be appointed to a first term on the Social Services Advisory Board to expire on July 1, 2000. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 11:43 p.m., there being no further business and on motion adopted the meeting was adjourned.

MAYOR

CLERK

REGULAR MEETING

NOVEMBER 24, 1998

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, CMC, 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 Whistleman introduced six new City employees: Jason Griffin, Linda Helmick; Parks and Recreation Department; Darlene Gray, Jim Shifflett, Police Department; Tanya Cook, and Steve Powell, Fire Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and Fire Department. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request to amend Section 11-5-8 of the Sign Ordinance. She explained that this proposal would allow businesses in the I-81 overlay district the option of erecting a 35 foot sign as permitted under existing regulations or providing a spot elevation to gain additional height. To do this, it will be not be possible to put all businesses on a level playing field; however, if the topography is based on the bridge elevation plus 35 feet then it will be close. Planning Commission held a work session in July discussing topography, certain elevation, and reviewing what other localities allowed to create an "even playing field" for signs, because a representative from Cracker Barrel had expressed concern that its sign was not as tall as it needed to be to attract traffic from the interstate. Currently all businesses within B-2 and M-1 zoning classifications in the City are allowed to have a sign with a height of 35 feet. However, because of topography variances certain interstate businesses signs appear taller. Using elevation plus 35 feet will not make this precise because it cannot be unless everyone is using topography-based height. This will, however, make it more equal than using elevation plus 50 feet. She reviewed maximum sign height at each of the interstate interchanges. Each interstate interchange has different heights because of the topography difference in the elevation of the bridges. The interstate overlay currently allows for businesses located within those areas to have a large sign in the area, but not a sign that is greater in height. So these areas are already receiving a special consideration due to their interstate location. Planning Commission did discuss the implications of the interstate widening if something like this would be adopted, but decided to recommend the ordinance change and deal with the implication of the widening when it occurs. Crackle

Barrel said that these changes would allow their sign to be seven feet higher. Mrs. Turner also noted that the Sign Ordinance does not require a public hearing; however, Planning Commission suggested that Council might want to hold a public hearing.

At 7:42 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, November 9, and Monday, November 16, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 24, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Any business or industrial zoned property located within an eight hundred (800) foot radius of the center of any Interstate 81 exit ramp intersection with the closest boundary of an intersecting street shall be defined as the Interstate 81 overlay sign district. Within this Interstate 81 overlay sign district, the maximum height allowance for freestanding signs, other than directional signs, including pylon or post structures shall be limited to thirty-five (35) feet above average grade conditions or be determined by the nearest interstate exit number and based on an elevation above mean sea level as set out below:

Exit Number Maximum Business Sign Height (feet above mean sea level)

243 (Pleasant Valley Road) I299.6 ft

245 (Port Republic Road) I341.8 ft J47 (Market Street) I452.6 ft

Elevations must be determined by a licensed surveyor from a City Global Positioning System (GPS) point. Signs located within the Interstate 81 overlay sign district shall not project over any lot line and shall not exceed a sign area of three hundred (300) square feet for one sign or when more than one qualifying use is located on a single parcel within the Interstate sign overlay district, a single support structure may be erected which contains a combined sign area not to exceed five hundred (500) square feet provided no single sign size shall exceed three hundred (300) square feet.

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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against amending this Sign Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion for a first reading to approve amending Section 11-5-8 of the

Sign Ordinance. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - Council Member Byrd

Council Member Byrd commended Planning Commission for studying this issue. He also said that since he had some experience in enforcement, and interpretation of the rules and regulations of the sign ordinance, he felt it was not necessary to add another rule or regulation to the sign ordinance.

Planning and Community Development Director Turner introduced a request to amend Section 10-2-43 of the Subdivision Ordinance. She explained that this is a change in the subdivision regulations to require a 10-foot wide utility easement along front lot lines or any lot line adjacent to a public right-of-way. In addition, easements at least 10 feet wide, centered on the side or rear lot lines, shall be provided for utilities and drainage. Easements may also be required in, along or adjacent to natural watercourses as drains for sanitary sewers. City Staff has been working with the utility companies to resolve field construction conflicts. She noted that HEC had sent a letter in support of this amendment.

At 7:45 p.m., Mayor Eagle closed the regular session and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 9, and Monday, November 16, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 24, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

1. Request to amend Section 10-2-43, Easements, of the Subdivision Ordinance to state the following:

A 10' wide utility easement shall be provided along front lot lines and any lot line adjacent to a public right-of-way. In addition, easements at least 10' wide, centered on the side or rear lot lines, shall be provided for utilities and drainage. Easements may also be required in, along, or adjacent to natural water courses as drains for sanitary sewers and water diversion purposes.

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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against this amendment. There being no one desiring to be heard, the public hearing was declared close at 7:46 p.m., and the regular session reconvened. Council Member Rogers offered a motion for a first reading to approve amending Section 10-2-43 of the Subdivision Ordinance. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request to consider removing Section 10-3-39(2) of the Zoning Ordinance and adding Section 10-3-40(7). She explained that residents in the R-2 zoning classification neighborhoods had expressed concerns about easing the parking crunch in their neighborhoods since most of the neighborhoods have permit parking areas only. She noted that after discussing this issue with Planning Commission, City Council, the City Attorney, and residents in these neighborhoods, it was determined that a possible solution to this problem might be dealt with by looking at the density issue and not trying to control density through parking. She also mentioned that when single-family homes have been converted into rental units, these conversions can add more people and their vehicles to neighborhoods without providing additional parking spaces. She noted that the R-2 zoning classification allows four unrelated people to live in the same house. Staff, working with the advice of the City Attorney, recommended to the Planning Commission removing the provision that allows four unrelated people to occupy a dwelling from the by right uses within the R-2 zoning classification and placing it in a special use category requiring a public hearing. This proposed ordinance would make occupancy by up to four unrelated persons a special use in the R-2 neighborhoods, unless otherwise permitted by right. It would also require that one off-street parking space per tenant be provided on site. With this proposal, Section 10-3-39(2) would be eliminated. She said that Planning Commission recommends removing Section 10-3-39(2) of the Zoning Ordinance and adding Section 10-3-40(7) into the Zoning Ordinance.

At 8:00 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, November 9, and Monday, November 16, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 24, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

1. Request to remove Section 10-3-39 (2) of the Zoning Ordinance and add Section 10-3-40 (7) to state the following:

(7) Occupancy, other than permitted by right, of not more than four unrelated persons (except that such occupancy may be superseded by building regulations), provided one off-street parking space per tenant is provided on site.

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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against this change in the Zoning Ordinance. Pat Sweet, a resident of South Mason Street, stated that he favored these changes and had been working with the Planning Commission on some of these changes since June. There being no others desiring to be heard, the public hearing was declared closed at 8:02 p.m., and the regular session reconvened. Council Member Green offered a motion to approve these changes in the Zoning Ordinance. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart reminded everyone that all the Department Heads were present to answer any questions regarding the Capital Improvement Program and that adoption of the plan does not appropriate any funds for any of the projects.

Planning and Community Development Director Turner presented the 1999-2000 through 2003-2004 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 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. The only new project for the Police Department is replacement of windows in the building. The Fire Department has only one new project in the CIP which is a thermal imaging camera giving firefighters sight inside a burning structure. There are several new projects in the Public Works Department including the East Market Street Safety Improvements study, a City wide "Two-Way Radio Communication System, and extending Burgess Road to a future connection to Evelyn Byrd Avenue. Also included are replacing several vehicles, a new traffic light at East Market Street and Evelyn Byrd Avenue, and renovation/rehabilitation to the Water Street Parking Deck.

The Parks and Recreation Department projects include replacing a trash truck, fencing replacement schedule, implementing a tennis court renovation, and a tractor and mower deck replacement schedule. Also, included is the construction of a third multi-use field and the installation of an in ground irrigation system at Smithland Road development. Mrs. Turner said that the School Board reviewed their Capital Improvement Program projects at the last Council meeting. Development of further surface water sources is the only project in the Water and Sewer Department. The only new project in the Sanitation Fund is the Solid Waste Management Plan for the City.

At 8:00 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 Saturday, November 14, and Saturday, November 21, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, November 24, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:

The proposed Capital Improvements Program, for fiscal years 1999-2000 through 2003-2004. 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 improvement needs over a subsequent five-year period. Copies of the Capital Improvements Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

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

Any 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

There being no one desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session reconvened. Council Member Green offered a motion to accept the report but recommended waiting until the next Council meeting before approving the report. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration a request from the Retail Merchants Association. He explained that the association would like to hang banners on light poles on 33 East. This request is supported subject to HEC's approval; however, the Retail Merchants Association should keep the banners in good repair and the banners should not extend over the street. Council Member Rogers offered a motion to support this request. The motion was seconded the Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration a request from First Night for approval of a 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 Byrd offered a motion to approve the request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to consider a request by Ken Patterson for approval of a preliminary plat entitled "Erickson Avenue Medical Center." She explained that this preliminary plat shows a 2.5 acre parcel fronting on Erickson Avenue. The request is to subdivide the lot which is zoned B-2 into five separate lots to be used for doctors' offices. This request requires a variance to the subdivision regulation because three of the proposed lots will not front on a public street. This will require a permanent easement for the common areas and parking area to ensure access to Erickson Avenue for all lots. They would have perpetual easements to allow entrance and parking on each property. She said that Planning Commission recommended approval of the request. 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.

Planning and Community Development Director Turned introduced a request by Kevin Williams for approval of a preliminary plat entitled "Neff Avenue Apartments." She explained that the preliminary plat shows a 16.36 acre parcel located on Neff Avenue. A variance is being requested to the City's maximum cul-de-sac length. The site is zoned R-3 and is being developed for multi-family uses. She said that staff has expressed concern because a bus cannot go into a private apartment complex; therefore, the builders are proposing developing a public cul-de-sac extending into the private apartment development to allow students to get on and off of the bus. She also said that the developer is showing that a future connection can be made to other property owned by Horsley and Constable. Horsley and Constable have submitted a letter stating that they would be responsible for developing and extending the street in the future. She said that Planning Commission recommended approval of the request. Discussion included developing the cul-de-sac into a public street standard, emergency services, developing an internal loop with two entrances into the development, buses being able to pick up students in the apartment complex, rather than having a public street with a bus pull off, fine tuning the requirements of multi-family developments, engineering standards reviewed by City staff and Planning Commission, and no one complying with the ordinances. Vice-Mayor Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration approval of the Charles McNulty Children and Families Center. Mayor Eagle explained that this facility was approved for a first reading at the November 10th meeting; however, because of many concerns expressed at that meeting it was removed from the consent agenda and is being considered for a second reading tonight. He said that he and other Council Members have reviewed alternate sites located in the City, discussed the issue with Department Heads, and Economic Development Director Shull had reviewed private land regarding prices and location. Mayor Eagle acknowledged that he had received a petition with 250-300 signatures of residents opposing construction of the facility on a two-acre site in the Ralph Sampson Park. Council Member Green commented that since some residents were concerned that this facility might encourage adolescent substance abuse and mental retardation problems that perhaps if the architect had mapped out the site like he suggested, then Council and other people could have a better understanding of what it would entail. He also suggested that it would be helpful for the architects to map out the site, clean it up, and save as much frontage as possible on Washington Street. Council Member Green offered a motion to approve for a second reading the site with the stipulation that Council would review the architect's mapped out site, regarding the location of the building. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Abstained - Council Member Rogers

Council Member Byrd

At the December 15 meeting, Council Member Green stated that he wanted his comments clarified that were on page 8 and 9 of the November 24 minutes. He explained that he wanted it clarified that Mayor Eagle had received a petition containing approximately 300 signatures. He said his comment was that since some of the residents were concerned about encouraging the presence of more substance abuse people in that particular neighborhood off of Washington Street, his idea was to attempt to reach a compromise in which the Recreation Department Board has been concerned about infringement upon the property on Washington Street. He said that in an effort to reach some kind of compromise agreement that the neighborhood and Recreation Commission could accept in one way or another that we would reduce the size of the area that had been shown on the proposed map and utilize the 20 x 500 foot strip that is kind of no-man land that has been cleaned up now since it had a bunch of underbrush under there and we move the building as far east as possible. He also said that configuration of the building could be changed so that parking could extend down that alley if you will or the area that is not utilized by anybody and really don't need but since you have an 8,000 foot building 80 x 100 any you go at it, is about all the frontage you need off of Washington Street. If the building were restructured or changed so that it was length wise it would come out on the park property even less and that was what I was offering as a compromise idea about reviewing the site and the stipulation was that Council would review the architect's new mapped out site regarding the location of the building. I think that is what Hugh and I talked about when we made the motion.

Mayor Eagle announced that the resolution supporting the Rail/Highway Grade Crossing Safety Improvement project had been withdrawn.

City Manager Stewart presented for Council's consideration a resolution concerning voluntary working of prisoners. He explained that this resolution would allow prisoners to receive credit for good behavior for every eight hours worked toward their sentence. Council Member Rogers offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to approve refinancing a resolution for the Community Services Board. Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver, explained that in 1988 the Community Services Board and the Harrisonburg Redevelopment and Housing Authority entered into a financial leasing arrangement. She also said that by refinancing these bonds now, it will allow Community Services Board to obtain a more favorable financing rate. There will be no liability on the City's part nor the Harrisonburg Redevelopment and Housing Authority. Vice-Mayor Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Abstained - Council Member Rogers

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-2-23(1) of the Harrisonburg City Code. Commissioner of the Revenue Hosaflook explained that ownership of real estate was changed from January 1 to July 1 when the City changed its taxable year. The current ordinance specifies that the ownership of the property for people applying for tax relief for the elderly and handicap shall be January 1. This amendment would change that date to July 1. Council Member Rogers offered a motion to approve amending this ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-2-24 of the Harrisonburg City Code. Commissioner of the Revenue Hosaflook explained that this amendment will provide aid to the elderly and handicap in applying for tax relief. When the ordinance was first written, it was in accordance with the state code which required that applicants applying for tax relief for the elderly and handicap sign an affidavit regarding their income and net worth. The affidavit required notarization by a notary public. However, now the state code has been amended to allow the elderly and handicap to simply sign a written statement verifying that the facts are true to the best of their knowledge. Most of the elderly that apply for tax relief have no change in their circumstances from year to year or their income source. To have this form notarized every year is quite a burden to the elderly. Council Member Rogers offered a motion to approve amending this ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the School Board. Harrisonburg School Superintendent Ford explained that each year the School Board receives some revenues that are not anticipated in the budget process. This appropriation requires no new local dollars. Council

Member Green offered a motion to approve this request for a first reading, and that:

\$55,010.00 chge. to: 111114-32442 School Revenue - State

3,486.00 chge. to: 111114-33301 School Revenue - Federal

21,090.70 chge. to: 1311-34110 Bond Proceeds

15.32 chge. to: 1311-31513 Investment Earnings

\$58,496.00 approp. to: 111114-40610 Instruction

21,106.02 approp. to: 1311-48690 Repairs to Elementary Schools

The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. Police Chief Harper explained that this money comes from drug forfeiture funds which will be used to purchase 37 night sights for those officers who do not currently have them on their weapons. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$2,747.00 chge. to: 1000-31010 Amount from fund balance

\$2,747.00 approp. to: 1000-310131-46100 Police Supplies

The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. Police Chief Harper explained that these funds will reimburse the Police Department by the Division of Motor Vehicles for printing of safety educational materials. Council Member Green offered a motion to approve this request for a first reading, and that:

\$1,415.47 chge. to: 1000-32520 DMV grant

\$1,415.47 approp. to: 1000-310131-46010 Office supplies

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the CISAT project. These funds are for interest earned on the bond proceeds that were borrowed on behalf of JMU to expand the Resource Recovery Facility. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$21,366.20 chge. to: 1324-30101 Amount from fund balance

2,013.98 chge. to: 1324-31513 Investments earnings

\$23,380.18 approp. to: 1324-910142-48683 Steam Plan for CISAT

The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Economic Development Department. He explained that when RDC closed its books at the end of the fiscal year, it owed money to the City. This money will increase the current budget of the Economic Development Department and will be used for advertising. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$4,772.00 chge. to: 1000-31901 Recoveries and rebates

\$4,772.00 approp. to: 1000-810521-43600 Advertising

The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Cathy Slusher

, president of Spotswood Elementary PTA, encouraged Council to move ahead with discussion about the renovations and actually appropriate funding toward them. The project needs to move ahead with full steam because the schools are in desperate need for the funding and it is time to approve a project that will actively renovate these schools. Because interest rates are lower, she said that there is solid argument for renovating these schools now over an 18 months period.

Les Bolt

stated that his fourth grader had not entered the school system when Council had first started discussing renovations to these elementary schools. Since that time he said "We have gone through a series of City Council members and School Board members." The question that we need to do some things has been answered. He said that renovations need to be done as quickly and as efficiency as we can.

Suzanne Obenshain

urged City Council to move forward with the renovation plan.

Nancy Faulkner

wanted clarification regarding the McNulty Children Center. She also expressed her appreciation for the acknowledge of the petition and the neighborhood concerns. She said the neighborhood association was frustrated by the inability to express their concern during Council's discussion of the issue regarding the center. Because this issue did not require a public hearing, there was no prior public notification to allow the neighborhood to express their concerns. She also requested that in the future, issues that directly impact neighborhoods should have some prior notification to allow citizens to speak.

Kathy Phillips

said that problems at the schools need to be fixed.

Dr. Gail Arthur

said that a lot of parents are concerned about the conditions of the schools.

Suzanne Thompson

said that now was the time for renovating all of the schools needing renovations. She insisted that children are being exposed to water in the hallways, peeling paint, lead ordinances, bats in the schools, in addition to the discomfort of not having air condition.

Carlton Banks

said that Council should not overlook the petitions and the voices in the community.

Cheryl Talley

commended Mayor Eagle for speaking privately to the president of the Northeast Community Association. She said that she understood the urgency of this project; however, she requested that Council consider the impact of the quality of life on the citizens who live in the neighborhood that may be impacted.

Naomi Thomas

said that the land for the CSB facility should not be considered as free land. She said that the City owns a lot of land that could have been used for this facility rather than using park land. She also said that Council Members abstaining from voting on an issue because of a conflict of interest should also refrain from discussing the issue.

Council Member Byrd expressed his appreciation to everyone involved with the Christmas decorating and lighting in the downtown area. He said that the downtown area is beautiful and it is a pleasure to drive through it.

Council Member Rogers reminded everyone to use safety while driving and shopping during the Christmas holidays.

City Manager Stewart said that he had attended the Social Services Administrative Board meeting today and at the end of the meeting a discussion was held regarding where the City is concerning the Comprehensive Services Act. He mentioned that probably next month Council will be receiving a formal request from the team requesting additional funding. If the trend continues for the remainder of the fiscal year, we will have a total City and State shortfall. The City's share will be approximately \$282,000. He reminded everyone that these funds are not in the budget.

At 9:03 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of the acquisition of real estate to be used for economic development purposes and disposition of publicly owned real estate, all 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 concerning probable litigation and a contractual matter, 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, 1950, as amended.

At 11:50 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 11:52 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

DECEMBER 15, 1998

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, CMC, and Chief of Police Donald Harper.

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

Human Resource Director Whistleman introduced four new City employees: Michael Sharp, Public Works Department; Rosalyn Davidson, Ladora Myers, and Debra Harper, Police Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes as amended, and the second reading of a supplemental appropriation for the Police Department, CISAT project, Economic Development Department and School Board. The motion also included amending Section 11-5-8 of the Sign Ordinance, amending Section 10-2-43 of the Subdivision Ordinance, and amending and re-enacting Section 4-2-24, 4-2-23(1) of the Harrisonburg City Code. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Vice-Mayor Lantz explained that he had requested Item #5h regarding removing Section 10-3-39(2), and adding Section 10-3-40(7) of the Zoning Ordinance be removed from the consent agenda after receiving several telephone calls regarding this particular section being added to the zoning ordinance. He said that sometimes when these changes are made it can cause an economic hardship on someone who has made a contract to purchase a certain piece of real estate.

Berry Kelly

, a property manager for Funkhouser and Associates Property Management, said that his company represented several hundred properties in and around the City. This change in zoning ordinances will have an economic effect on many of these properties which are zoned R-2. He noted that he had served on the Parking Committee and that it was his fault he only became aware of this change. However, he explained that he had a contract which he could not get out of and it would be effected by this change. He requested that this change be tabled since it would create a hardship for some of his properties. It was pointed out that public discussion included the two public hearings held by Planning Commission and City Council, several committee meetings, legal notices, articles in the newspaper containing the discussion related to the proposed parking

changes, and that people involved in real estate should be aware of these changes in the ordinance. Mayor Eagle pointed out that Mr. Kelly would have the option of appearing before Council to request a special use permit and that this change will not prevent him from renting any property to a family of four or more. Following further discussion and comments, Council Member Green offered a motion to approve the amended minutes and the second reading of an ordinance Section 10-3-39(2) of the Zoning Ordinance and adding Section 10-3-40(7) of the Harrisonburg City Code. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request to amend Section 10-3-24, 10-3-34, 10-3-40 and 10-3-46 of the Zoning Ordinance and Section 11-5-4 of the Sign Ordinance. She explained that Dennis G. and Janice D. Fitzgerald are requesting several ordinance amendments that would allow bed and breakfast facilities to operate in R-1, R-2, and R-3 residential districts by a special use permit. Lodging facilities are currently limited to commercial and industrial districts, where non-transient occupancy is prohibited. Bed and breakfasts; therefore, cannot be categorized as typical hotels or motels because they also function as private residents. Roger Williams, the Fitzgerald's attorney, discussed the matter with City staff and worked to develop acceptable amendments which would make it possible to operate bed and breakfast facilities in the City while retaining some control over their size and location. She said that a definition of a bed and breakfast facility would be added into Section 10-3-24 of the Zoning Ordinance. It will read "A Bed and Breakfast Facilities is defined as a single-family dwelling (including the principal residence and related outbuildings), occupied by the owner or proprietor, in which accommodations limited to ten (10) or less guest rooms are rented for periods not exceeding ten (10) consecutive days per guests." However, Mrs. Turner said that at its November 4th Public Hearing meeting, Planning Commission recommended changing the time for staying at the Bed and Breakfast from 10 consecutive days to 14 days per guest. Mrs. Turner said that special use permit language should be inserted into the R-1, R-2, and R-3 zoning classifications, adding language that permits by special use permit, a Bed and Breakfast facility that (a) food service shall be limited to breakfast and light fare for room guests only and (b) having space available on premises for one parking space for each guest room. The sign language in Section 11-5-4 would be amended to allow permanent signs for nonresidential uses, including Bed and Breakfast Facilities and residential development identification signs to not exceed an aggregate of twenty-four (24) square feet in face area for each main building or use. Said signs shall not exceed six (6) feet in height above grade. No more than two (2) signs shall be permitted for each main building or use. Although this is the language proposed for signs in granting a special use, only City Council has the authority to impose certain conditions to ensure that the proposed use is acceptable. She said that Planning Commission recommended approval of the amendments and also to increase the length of stay from 10 consecutive days per guest to 14 consecutive days per guest.

At 8:01 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, November 30, and Monday, December 7, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 15, 1998, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Request by Dennis G. Fitzgerald and Janice D. Fitzgerald to amend the following:

(A) Sections 10-3-34, 10-3-40, and 10-3-46, of the Zoning Ordinance to add the following additional "Uses permitted only by special use permit":

Bed and Breakfast Facilities in which (a) food service shall be limited to breakfast and light fare for room guests only and (b) having space available on premises for one parking space for each guest room.

(B) Section 10-3-24 (Definitions) to add the following new definition of "Bed and Breakfast Facilities":

Bed and Breakfast Facilities a single-family dwelling (including the principal residence and related outbuildings), occupied by the owner or proprietor, in which accommodations limited to ten (10) or less guest rooms are rented for periods not exceeding ten (10) consecutive days per guest.

(C) Section 11-5-4 of the Sign Ordinance to substitute the following new subsection (1):

Permanent signs shall be limited to nonresidential uses, including Bed and Breakfast Facilities, and residential development identification signs. Said signs shall not exceed an aggregate of twenty-four (24) square feet in face area for each main building or use. Said signs shall not exceed six (6) feet in height above grade. No more than two (2) signs shall be permitted for each main building or 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 the opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, should notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against amending these sections in the Zoning Ordinance.

Roger Williams

, attorney for the applicant, stated that Harrisonburg has a lot of beautiful historically older homes in the community. He noted that bed and breakfasts have been increasingly popular over the last several years; however, there is nothing in the residential district permitting a bed and breakfast use. It can benefit the City by providing a financial incentive to people to restore older homes and encouraging the beautification of these old structures in the City. It can provide an interesting and attractive type of accommodation to people visiting

the City. He said that not every piece of property in the City will be suitable for the Bed and Breakfast; however, it does make a lot of sense that it be a special use permit only. The neighbors of the subject property will be protected because all adjoining owners will be notified and public hearings will be held allowing an opportunity for public input. These bed and breakfasts will look like residences because the owner or proprietor will have to live there. There being no others desiring to be heard, the public hearing was declared closed at 8:06 p.m., and the regular session reconvened. Discussion included preservation of older homes, special use permits, new buildings becoming a Bed and Breakfast, only older homes being Bed and Breakfast, and Planning Commission and City Council reviewing all special use permits on case by case basis. City Manager Stewart reminded Council that the recommendation from Planning Commission to change the length of stay from 10 consecutive days to 14 consecutive days could not be changed because the Public Hearing was advertised with the proposal of 10 days. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve amending Section 10-3-24, 10-3-34, 10-3-40 and 10-3-46 of the Zoning Ordinance and Section 11-5-4 of the Sign Ordinance for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request by MNY & C to rezone a 4.632 acres, located at 131 and 211 West Mosby Road, from B-2 General Business District (conditional) to R-3 Multiple Dwelling Residential District. She explained that the purpose is to allow for multiple residential use. The site is adjacent to an R-3 residential development and the requested zoning is consistent with the Comprehensive Plan's recommendation for the property. She said that Planning Commission recommended approval of the request.

At 8:15 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, November 30, and Monday, December 7, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 15, 1998, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Request by MNY & C to rezone 4.632 acres, located at 131 and 211 West Mosby Road, from B-2 General Business District (conditional) to R-3 Multiple Dwelling Residential District. The property, identified as tax map parcel 7-A-5, is recommended for medium density residential use in the Comprehensive Plan.

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

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, should notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

J.R. Copper

, representative for the property in question, said that he was the C in MNY & C and that his company has had the property for a number of years. We had it rezoned and had intended to build a new office on the site. However, his company is proposing to build a unit that would be treated as a condominium. The units themselves are in the neighborhood of 1200 square feet. These units can be owner occupied or investment/rental property and will be side by side and back to back. The main difference between these units and a townhouse is there will be no back door into the units since they back up to one another. There being no others desiring to be heard, the public hearing was declared closed at 8:17 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this rezoning request. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request for a special use permit to operate a Bed and Breakfast Facility on a 1.874 acre tract of land located at 491 Garber's Church Road. She explained that this request was from the Fitzgerald's who requested the ordinance amendments to accommodate the type of use that they are desiring to have at 491 Garber's Church Road. The site is 1.874 acres and the subject property and surrounding parcels are zoned R-1 Single Family Residential classification surrounded predominantly by single family uses. The main dwelling is a large, 3-story structure built in phases, beginning in the late 1790's. Records indicate that the house served as a hospital during the Civil War and as a meeting place for the Mennonite Church. The house and outbuildings are situated on a large lot, with ample area for parking to serve an 8-room facility. Although the site is bordered by single-family homes, the main dwelling is located at least 60 feet from property lines and outbuildings are located at least 30 feet from property lines. As a result, the proposed bed and breakfast is not likely to disrupt the residential character of the neighborhood. Instead, the surrounding area may benefit from the renovation of an older structure being used as a Bed and Breakfast facility. She said that Planning Commission recommended approval of the requested special use permit.

At 8:21 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, November 30, and Monday, December 7, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 15, 1998, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Request by Dennis G. Fitzgerald and Janice D. Fitzgerald for a special use permit to operate a Bed and Breakfast Facility on a 1.874 acre tract of land located at 491 Garber's Church Road. The property is identified as tax map parcel 122-B-1 and is zoned R-1 Single-Family 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 the opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, should notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against the special use permit.

Roger Williams

, attorney for the Fitzgeralds, said that the Fitzgeralds acquired this property in the spring of 1998. The site contains two acres of land and a three story structure with nine bedrooms. The Fitzgeralds are planning to convert their property for up to eight guest rooms, seven in the main structure and one in the outbuilding. There will also be plenty of off-street parking space. The property is a textbook example of some place you would like to have a bed and breakfast. There being no others desiring to be heard, the public hearing was declared closed at 8:22 p.m., and the regular session reconvened. No action can be taken until the ordinance changes are given final approval.

Planning and Community Development Director Turner introduced a request to add Section 11-5-9 variances to the Sign Ordinance. She explained that allowing variances for lots without road frontage in the B-2 Zoning District, businesses which locate on these lots face difficulties with signage. The ordinance does not allow off-premises signs in the B-2 classification; therefore, those lots without road frontage cannot have a sign on a roadway or access easement. Staff aided the applicant in creating language for a variance process to allow lots without road frontage, created by a variance already granted in the subdivision process, to have an off-premises sign. The proposed amendments reads as follows:

(1) Subject to the provisions of this article, the governing body shall have the authority to grant the following variance:

A variance allowing off-premises signs within the B-2 Zoning classification for uses on parcels having no road frontage due to a variance previously granted during the subdivision process. This sign

shall be the only freestanding sign permitted for the off-premises use(s) advertised. The area of such sign shall be determined by the governing body; provided that the area of the off-premises sign shall not exceed the amount of signage previously allowed for an on-premises sign on the same lot. In addition, the off-premises sign area shall not be calculated against the allowable signage for the lot on which it is situated, but shall be counted against the allowable signage for the lot served by the off-premises sign. At no time shall variances be granted to allow more than one off-premises sign for any parcel of land having no road frontage regardless of the number of uses.

(2) In authorizing a variance, the governing body may impose such conditions regarding the location, character, and other features of the proposed sign as it deems necessary in the public interest.

(3) Before approving any such variance, the governing body shall hold at least one public hearing thereon, pursuant to Public Notice as required by Code of Virginia Section 15.2-2204, as amended.

Mrs. Turner explained that the City currently allows signage in the B-2 classification at the rate of one square foot of signage per one lineal foot of street frontage for the parcel. She also said this change would allow Armada/Hoffler which is building a new Food Lion grocery store which has no street frontage off of Port Republic Road, to place a sign on the corner lot of Peach Grove and Port Republic Road. The off-premises sign could not exceed the size sign that the use located on that corner is already allowed under the zoning classification. Therefore, the lot where the off-premises sign is located would be allowed to have two times the amount of sign area currently permitted. The square footage on the corner lot would be subtracted from what Food Lion and the other uses on the Food Lion site are permitted by our ordinance. It would not be counted against the uses located on the corner. Because the language is recommending that before approving any variance the governing body should hold a public hearing on this request, Food Lion is not scheduled on the agenda. Following further discussion and comments, Vice-Mayor Lantz offered a motion for a first reading to approve adding Section 11-5-9 variance to the Sign Ordinance. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Ken Huffman, a representative from Phibbs, Burkholder, Geisert & Huffman, presented the 1997-98 Comprehensive Annual Financial Report. He said that the City received a "Certificate of Achievement for Excellence in Financial Reporting" for the fiscal year ended June 30, 1997 which is awarded by the Government Finance Officers Association of the United States. He also said that the office of Auditor of Public Accounts in Richmond had received the Comprehensive Annual Financial Report. Council Member Rogers offered a motion to approve this report. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Bob Baldygo, Dean of Financial and Administrative Services, and Bonnie Moyers, Director of Training and Development, presented a request from Blue Ridge Community College. Mrs. Moyers explained that the new proposed Workforce, Economic & Community Center represents a very important step forward for the college as it expands the services to the employers, the citizens and to the community region that it serves. This new center will be used for economic, workforce, and community development. Besides the wide range of training services currently being offered, there is a growing need to provide additional and more comprehensive training services for existing, emerging, and developing small and medium-sized businesses and to provide special assistance to those starting new businesses. Additionally, in response to employer requests and needs, Blue Ridge Community College has established a WorkKeys Service Center. She reviewed some services that this multi-purpose room in the new facility can provide. Mr. Baldygo explained that Harrisonburg had been supporting the college through an annual donation and he requested that the donation be increased from \$20,000 to about \$24,000 over the next six years to help fund this new business technology center. The amount is based on the locality's population and share of students attending the state-owned college. The college plans to ask the General Assembly for the rest of the money. Council Member Rogers commented that Blue Ridge Community College has been a major player in the community by providing an education to help people seeking a better job. 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.

John Worth, representing the Harrisonburg Redevelopment and Housing Authority, requested that Council adopt a resolution endorsing the issuance of multi-family housing revenue bonds by the HRHA. The issuance of these private activity bonds is for a project in Stafford County. The authority has indicated that the issuance of these bonds in 1999 will not count toward the \$10,000,000 limit for the City concerning bank-qualified debt. Vice-Mayor Lantz offered a motion to approve this resolution as presented. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

City Manager Stewart explained that the Capital Improvement Program had been presented to City Council in October 1998. He said that the Planning Commission had reviewed the CIP projects and recommended approval. City Council held a public hearing on November 24, 1998. Council Member Green offered a motion to approve the Capital Improvement Program. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented the following resolutions 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 a project for the improvement of Railroad Crossing with dual Flashing Lights and Gates for one way system and interconnect on Bruce Street, a distance of approximately .02 mile.

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 _____, 1998

City of Harrisonburg, Virginia

Rodney L. Eagle, Mayor

Attest:

Clerk of City Council

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 a project for the improvement of Railroad Crossing with Flashing Lights, Gates and interconnect on South Avenue, a distance of approximately .04 mile.

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 _____, 1998

City of Harrisonburg, Virginia

Rodney L. Eagle, Mayor

Attest:

Clerk of City Council

Assistant City Manager Baker explained that these projects are being developed as part of the Department of Transportation railroad safety enhancement improvements at South Avenue and Bruce Street. 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. Vice-Mayor Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Public Utilities Director Collins presented a "Consumer Confidence Report" for water quality in 1997. He explained that the 1996 reauthorization of the Safe Drinking Water Act (SDWA) added responsibilities to water suppliers. By October 19, 1999, the City will be required to distribute annually a consumer confidence report which is really a water quality report. He reviewed some specifics in the report including identifying sources of water, report contaminants at highest concentration detected, compare the maximum detected concentration with the maximum contaminant level, report violations and relevant information about health effects. In addition, the report must also include boilerplate language with standardized phrases which must be mailed to every customer using City water and to provide a good faith effort to those citizens of Harrisonburg who are not on public water. Mr. Collins reported that the City did not have any violations in water quality over the last year. He also said that he had included information in the report regarding the degree of hardness, chlorine levels, and fluoride levels in the City water. Mr. Collins noted that because of the drought, water flows were reduced in the North River and the release of water at Switzer Dam has been reduced. Information will be available concerning water conservation.

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

RESOLUTION SUPPORTING

HB 599 Funding

WHEREAS the General Assembly passed HB 599 in 1979 as part of a legislative package intended to direct additional state financial assistance to Cities in exchange for the loss of authority to annex land in surrounding counties; and

WHEREAS one type of state financial assistance included in HB 599 was payment to cities, towns and counties with police departments, which was intended to compensate for the disparity between state funding for local police departments and sheriffs' offices; and

WHEREAS the Virginia Code directs the Governor and the General Assembly to increase the total amount of HB 599 funds to be distributed each year by the anticipated percentage change in state general fund revenues; and

WHEREAS funding for HB 599 was reduced from \$80.5 million to less than \$67 million in fiscal year 1992, and has remain frozen at that level since 1992; and

WHEREAS, based on annual general fund growth rates, the total amount of HB 599 funding would have increased to \$151 million by fiscal year 1999 if the state had funded this program in accordance with state law; and

WHEREAS if the state had funded this program in accordance with state law, the City of Harrisonburg would currently be receiving \$1,162,268 per year from the state instead of the \$513,700 which it is currently receiving. If Harrisonburg were receiving the higher amount of funding, it would be able to better fund public safety and other essential services.

WHEREAS by fiscal year 2000 the total amount of funding that the state would have distributed to localities since the HB 599 program's inception if the law had been observed will be \$610 million; and

WHEREAS since the program's inception the total amount of funding that the state has failed to distribute to Harrisonburg totals \$3,968,131; and

WHEREAS the commonwealth benefits when the relationship between the state and its local governments is based on mutual trust and support;

NOW THEREFORE BE IT RESOLVED, that the Governor and General Assembly shall develop a plan to fully fund HB 599 by the year 2000, and that the amendments to the 1998-2000 budget enacted during the 1999 General Assembly should include a substantial increase in this program beginning in fiscal year 1999.

Adopted this the 15th day of December, 1998.

Mayor

Attest:

City Clerk

City Manager Stewart explained this resolution will consider supporting full funding of HB599. The General Assembly passed HB599 in 1979 as part of a legislative package intended to direct additional state financial assistance to cities in exchange for the loss of authority to annex land in surrounding counties. That funding was provided to local governments as promised in the legislation from 1979 to about 1991 and has remained frozen at that level since 1992. When the legislation was enacted in 1979, it was enacted with the language that the appropriation would increase to local governments as state general funds revenues increased. If the state had funded this program in accordance with state law, the City of Harrisonburg would currently be receiving \$1,162,268 per year from the state instead of the \$513,700 which it is currently receiving. This resolution would encourage the General Assembly to fully fund what it committed to in 1979 and the Virginia Municipal League is making this a top priority in its legislation package. Council Member Green offered a motion to approve this 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 a resolution concerning voluntary working of prisoners. He explained that this resolution would allow prisoners to receive credit for good behavior for every eight hours worked toward their sentence. This resolution is for the month of December. Mr. Stewart said he had requested that this resolution be adopted for twelve months rather than adopting a resolution every month. Council Member Rogers offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration a resolution endorsing the borrowing of up to \$2,005,000 through the Virginia Public School Authority (VPSA) for renovation at Keister Elementary School. He said that the Harrisonburg School Board has adopted a resolution requesting Council to authorize the issuance of these bonds. This action is a part of an overall plan to provide for the renovations at Keister Elementary School with a commitment in the future for renovations at Spotswood Elementary and Waterman Elementary Schools as funds are available. He also noted that in January 1999 a formal resolution and public hearing will be held. Council Member Rogers offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Comprehensive Services Act program. Don Driver, Chairman of the Community Policy and Management Team, explained that the CPMT has been active in its continual efforts to serve the children and families of Harrisonburg, while maintaining control over expenditures for this very difficult and dynamic program. He said that CPMT only serve those children who are mandated by state and federal law to receive services. He noted that he had included information in a report regarding some of the physical changes over the time this program has been in place and also some case examples. He reviewed some of the cost increases in fiscal year 1996-98. The most significant long-term problems and most costly treatment are for the children that are in residential programs. The Comprehensive Services Act program are based upon serving children with mental health problems, special education problems, child abuse, and neglect problems. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$282,258 chge. to: 1000-31010 Amount from fund balance

\$282,258 approp. to: 1000-910511-47071 Expenditure of Social Services District

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. Police Chief Harper explained that this money would be used for salary of a police property clerk. Council Member Green offered a motion to approve this request for a first reading, and that:

\$17,334.00 chge. to: 1000-33508 Cops more Grant

\$14,550.79 approp. to: 1000-310131-41010 Salaries/Wages Reg.

937.97 approp. to: 1000-310131-42020 Retirement VRS

1,845.24 approp. to: 1000-310131-42010 FICA

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Economic Development Department. He explained that these funds which were received from a grant will be used for a Labor Market Analysis. The money to fund this survey will come from RDC and the Valley Partnership. The City will administer the contract which has been awarded to The Wadley-Donovan Group. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$74,000 chge. to: 1000-31815 Labor Market and Training Survey

\$74,000 approp. to: 1000-810521-43134 Labor Market and Training Survey

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Warren Dillenbeck read the following letter concerning Y2K Computer Problems.

On August 21, 1998, I wrote to City Councilman Hugh Lantz, asking if the City was prepared to deal with the consequences of year 2000 computer problems. He replied to me verbally that the subject was discussed at the following City Council meeting, that all City department were addressing the problem and that City Council would have a report on the subject by July, 1999.

I have read extensively on this subject. Even the experts find it difficult to predict how widespread the problems may be, but most indicate that there will be some disruptions that will affect most Americans.

Most of us citizens of Harrisonburg don't realize how dependent we are on public services. Electric power, water supply, sewers, police, fire protection, food supply, transportation and banking. And most of us have no idea how deeply involved computers are in all these services as well as in commerce.

It is encouraging that all of the City's departments have been instructed to prepare to deal with Y2K. Hopefully they will be thorough and diligent in this effort.

But isn't it also important to promote some preparedness on the part of the citizens of Harrisonburg? If the Y2K problem falls on Harrisonburg with some fairly serious consequences, what will be the response of an uninformed, unprepared citizenry? History tells us that the response may be irrational, even panic.

Wouldn't it be well for City Council to take some initiative beginning now to inform the public of the possible effects of the Y2K problem in our community and to recommend some prudent preparations?

It would also be helpful to Harrisonburg Citizens to have some idea, before July 1999 of how the City services will be affected. For example, in the event of a loss of electric power from our supplier, Virginia Power, will Harrisonburg Electric have enough generating capacity to maintain water supply, sewage treatment, traffic lights and other essential services?

Without causing great alarm, it would be helpful if the City were pro-active in informing its citizens of the possible problems we may encounter and how we can prepare for them.

Mayor Eagle thanked Mr. Dillenbeck for the information and said that it would be considered.

David Smith

, a resident of 261 South Liberty Street, complained about James Madison University's students having loud parties that last late into the night. He requested that something be done to control these late parties. He encouraged City Council to conduct a study or develop a community task force to see how other communities or localities handle the situation. He noted that this is a concern in many neighborhood throughout the City. He said that an apartment complex next to his house has parties attended by 150 to 200 students on weekends. He indicated there is a possibility of under age drinking and said that parties held during the week keeping working people awake. He suggested that City Council takes some steps to levy sanctions against landlords or sanctions against the individuals conducting these parties. Discussion included parking problems, parties lasting late into the morning even during the week, landlords being uncooperative, and the Police Department having to respond several times before finally shutting down the party. City Manager Stewart pointed out that an article appearing in Virginia Town/City magazine said that the City of Lynchburg has recently starting a program for situation like this regarding problems with landlords. He noted that the City of Lynchburg has starting placing a sign in the City right-of-way listing a landlord's name and telephone number to call if anyone have a problem with anything at this location. Mayor Eagle suggested that perhaps Mr. Smith should work with the Planning Commission and Community Development Department to hopefully resolve some of

these problems.

Christina Rivera

, a resident of Spotswood Mobile Home Park, said that she was like others in the trailer park who have their money invested in their homes. She introduced Corina Kline Gable who would be interpreting in Spanish for those in the audience who could not speak or understand English. She said that she had only lived in the area for one year and had purchased a home in the park. She said that she was concerned about the Wal-Mart Supercenter that is proposed for the land where the trailer park is located on Country Club Road.

Deanna Salva

, a resident of Spotswood Mobile Home Park, explained that she would have a problem with child care if she had to move.

City Manager Stewart clarified that at this point the City has received a site plan which basically shows a plan of development for the Wal-Mart store. Mr. Stewart explained that the property is zoned for business and unless they ask for a variance from some standard that the City has in terms of how that property is developed, that project will not come before City Council for approval. The land is properly zoned and the property owners have to right to sell and Wal-Mart Inc. has the right to purchase the land if they desire.

Emilino Ayala

said that there are good trailers and bad trailers which are impossible to move. It poses one of the problems that we have and another problem is that we don't have another trailer park to move our trailer to. Some of the trailers cannot be sold and it is also very costly to move a trailer.

An unidentified speaker said that he was concerned about the situation in his neighborhood. He said that some people who did not have any money to move a trailer. He said that the women and children are crying about the situation.

Sanjo Arnrillo

insisted that the City should do something for the people as they had to pay taxes. He said that the people were only trying to make a good life.

Alegando

who said that he lives in Timberville and was concerned about the situation with these people.

Dale Diaz

, Director of Common Grounds, said that she was offended that these people had waited over two hours to speak during the public comment to City Council. She said that 130 people could be uprooted from their neighborhood at all one time. She noted that Stone Spring Elementary school would be effected by losing 60 students most of which are in ESL classes. She reminded Council that they represented everyone in the City. She said that the people were only asking for leadership and protection. She suggested since Wal-Mart made over 118 billion dollars last year, that they should provide relocation for these people.

Lance Kerns

said that his 22 year old daughter owned a trailer in the park and was proud to be a home owner. He said that his daughter could not afford to move the trailer. He also suggested that the City might have some problems with water run off on Country Club Road if Wal-Mart located their store in the area.

At 10:05 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for 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. Consultation with the City Attorney and briefings by staff members concerning probable litigation and a proposed contract, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended.

At 11:42 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 11:45 p.m., there being no further business and on motion adopted the meeting was adjourned.

MAYOR

CLERK