

REGULAR MEETING

JANUARY 9, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and referring an alley closing request to the Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by Bill V. Neff for a variance to the requirement for sidewalks in the Blacks Run Industrial Park. She explained that Blacks Run Industrial Park is an industrial subdivision which a cul-de-sac LeRay Circle serves off Early Road. Because this area has no residential area, no commercial area or pedestrian traffic, it does not require sidewalks. She said that staff and Planning Commission recommended approving this request. Council Member Fitzgerald offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

City Attorney Miller reported on the legal interpretation of the bond documents. He explained that according to the legal advice from Douglas Lamb, attorney for the bond counsel, the City can create an advisory independent commission that would not place the City in the position of violating any covenants of the bond documents. However, the authority to make decisions including hiring and firing personnel must remain under the City government. He said that many objectives some Council Members wanted to meet can be met within the boundaries of the bond documents except it will be in a different form. He also said, Control of the golf course including management, operation, and maintenance cannot be turned over to the advisory commission without going to the investors of the bonds and asking for their consent, which amounts to an amendment and will probably incur some expense.

Vice-Mayor Peterson said that, He was appalled by the bond counsel's interpretation saying they shouldn't have the authority to restrain the City from making administrative decisions.

Council Member Lantz commented that he and Vice-Mayor Peterson had worked out a compromise which may have been agreeable to the other Council Members before we heard the bond counsel's report stating that they cannot create an independent decision making body. Mr. Lantz said, According to what I read in the bond counsel's report, this Golf Course Advisory committee will operate similarly to the Parks and Recreation Commission. The Golf Course Advisory committee cannot hire individuals to work on the golf course, cannot establish a rate structure, cannot hire or fire the superintendent, so who will this group advise? I hope it is not City Council or the City Manager because we don't have the time and neither does the City Manager. He also said that because this group can only act as an advisory commission rather than a group having total authority, we may not attract the same quality people that we first thought might serve on this commission. Nevertheless, this group should work very closely with someone on a day to day basis and that person should be the Parks and Recreation Director Paula Gucker. If there are problems that Mrs. Gucker cannot resolve then she can present the problems to the City Manager.

Following further comments and discussion, Council Member Rogers offered a motion that an Golf Course Advisory Committee of three members be appointed by City Council and two members are appointed from the Parks and Recreation Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

No - Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Vice-Mayor Peterson offered a motion that an Golf Course Advisory Committee of four members be appointed by City Council and one member appointed from the Parks and Recreation Commission. The motion also included that the Golf Course Advisory Committee should report to the Parks and Recreation Director. He also suggested that the deadline for receiving applications should be January 31, 2001. The recorded roll call vote was taken as follows:

Vote: No - Council Member Rogers

Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Council Member Lantz offered a motion that four out of the five City Council Members must agree on the four commissioners appointed to the Advisory Committee. The motion was approved with a unanimous vote of Council.

Council Member Lantz said that once this advisory group is formed, he would prefer that City Council not be involved with the group. He also said that members of the advisory group with the Parks and Recreation Director should decide on the details of how the committee should operate. However, Vice-Mayor Peterson suggested that two City Council Members should be involved with the five member Golf Course Advisory Committee. Again, Council Member Lantz suggested that seven members probably would be too many on the Golf Course Advisory Committee. He said that once the Golf Course Advisory Committee is formed that they should select two members to represent their group, then City Council should select two members and along with the Parks and Recreation Director, form a group to work with the City Attorney and the City Manager to work out the details regarding how the Advisory Committee will operate.

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds are unanticipated receipts from Federal and local funds that were not known during the budget process. It will not cost the City any additional local dollars. He also noted that Rocco, WLR,

Tyson, and Perdue have provided a grant to fund an evening program for parents and students for immigrants. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$88,515.00 chge. to: 1111-33301 School Revenue - Federal

15,500.00 chge. to: 1111-31691 School Revenue - Other

\$104,015.00 approp. to: 1111-11114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Council Members Rogers and Lantz reported that they had attended a recent City/County Liaison meeting at which they discussed a basic plan for building a joint public safety building. The proposed building would allow the sheriff's office to be relocated in the same building as the police department, while opening more room for additional jail space in the current county facility, and a combined emergency operation center. The proposed project might remove a portion of Water Street to give the City a larger lot for the facility. The existing police station would be rebuilt. Council Member Lantz said that making more jail space would alleviate a serious concern with overcrowding and possibly avoid leasing space from Augusta County's new facility. Vice-Mayor Peterson suggested designing the building larger than what they will need to allow for some growing room. Council Member Rogers offered a motion directing City Manager Baker to work with Rockingham County Administrator Bill OBrien in preparing a detailed study of the project. The motion was approved with a unanimous vote of Council.

City Attorney Miller reported that at the December Council meeting a major rezoning was discussed concerning Old Town and whether having a moratorium on conversions would be legal or will it take either a change in the ordinance or a change in zoning to stop conversions. Mr. Miller said the answer is no. The Supreme Court of Virginia has made it clear that passing moratoriums to not permit an activity that is otherwise legal under the zoning ordinance is outside the delegated authority to local governments. He also said that the Old Town area cannot be rezoned too less than R-2, which it is now, but more than R-1 which is how it was advertised. One legal problem the City would have is that when you advertise to rezone a piece of property you don't have to actually predict what the final outcome will be in the public notice, but you cannot rezone it to a use that is more intensive than what was advertised. He said that the area needs to either be rezoned to R-1 or decide what to do with the area, but no moratoriums.

Vice-Mayor Peterson commented that he supported the single family nature of the Old Town area; however, he didn't think there would be any massive conversions of the area until the Planning Commission could appoint an Old Town Citizens Commission to work on alternate zoning classifications.

City Manager Baker announced that he had received a letter from Mrs. Ellen Walker, representing Harrisonburg's Northeast neighborhood, suggesting that a plaque honoring Lucy F. Simms be placed on the property at the Simms school building. Mr. Baker said that he would forward the letter to the School Board for their approval since it is school property.

At 8:35 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: Harrisonburg Electric Commission, Harrisonburg Building Code Board of Appeals, and the Social Services Advisory Board. A closed session is permissible for this purpose pursuant to Section 2.1-344-A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to parcels of real property. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code. IN ADDITION, the purpose of the closed session is for the discussion of matters related to a prospective business or industry or the expansion of one. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.5 of the Code.

At 9:50 p.m., the closed session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I 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 convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Fitzgerald offered a motion that John C. Sease, 560 Neff Avenue, Suite 100, be appointed to a first term on the Harrisonburg Building Code Board of Appeals to expire on November 30, 2005. The motion was approved with a unanimous vote of Council.

At 9:51 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

JANUARY 23, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Human Resource Director Whistleman introduced twelve new City employees; Donna Botkin, Jini Heck, Jessie Knighton, Transportation Department; C.J. Chandler, Fire Department; Matthew Csady, Alissa Sculthorpe, Lawrence Seekford, Christopher Shaver, Richard Warford, Police Department; Michael Kilty, Public Utilities Department; William Lowery, Public Works Department; and Katelyn Miller, Parks and Recreation Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and a second reading of a supplemental appropriation for the School Board. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

A request by Beulah Holsinger for a variance was tabled until the next meeting.

Jim Deskins, Executive Director of the Harrisonburg Redevelopment & Housing Authority, and Michael Wong, Chairman of HRHA, presented an overview of a Housing Analysis Report. Mr. Wong explained that several years ago the housing authority conducted a planning study to detect the housing trend in Harrisonburg. The study identified possible problem areas of higher priced housing developments in Rockingham County, growing immigrant population, increase in demand for affordable housing, and a current over supply of student housing for JMU students. Mr. Wong reviewed many statistics contained in the report including manufacturing, agriculture, retail, government, employment and average wages in Rockingham County and Harrisonburg, immigrant employment trends, non-student housing trends, and household distribution by income. The report also showed a lack of developed R-1 zoned land, changing City policies regarding subdivision approvals, developers reporting that City requirements are more stringent and costly than those in Rockingham County. Mr. Wong said that the Housing Authority recommended using the over supply of rental housing units for students and distributing the units to non-student residents or perhaps the Harrisonburg Redevelopment and Housing Authority could purchase some of the vacant housing units and provide housing opportunities through its Federal low income housing tax program. He also suggested that the City should enact an incentive program to encourage developers to build more expensive homes. Mr. Wong said, The Harrisonburg Redevelopment and Housing Authority including several new members since the beginning of the new year will be meeting soon to consider specific proposals based on the findings of the report. This report will be presented at a future City Council meeting. The Housing Analysis report revealed that Harrisonburg has only 37% of homeowners compared to more than 60% rental households; however, Rockingham County has 80% of homeowners compared to only 20% rental households. There needs to be a balance between homeowners and rentals in both the Harrisonburg and Rockingham County. He said that forty-two percent of non-student renters are in public housing and the City cannot provide that much housing. The increase stems from a lack of higher-paying jobs within the City. Increasing numbers of higher income people are moving into Rockingham County, while the City houses most of the immigrant workers who do not make enough money to purchase homes. Since most of the lower wages are being paid in the poultry industries, the available labor forces consist of a stream of immigrants willing to pursue jobs in the low wage industry. The study identified that 42% of all non-student apartment units are in subsidized housing. He said that 27% of non-student households have incomes of less than \$25,000 and approximately 40% of all non-student households in the City have insufficient incomes to afford new housing.

Vice-Mayor Peterson said, He intended to bring the issue up in the upcoming planning commission work session discussing how this document can go into the development of a new comprehensive plan.@

Council Member Rogers said, There is a great disparity between the incomes in the City and the County which effects the correlation between affordable housing. Mr. Rogers also asked if the Housing Authority had a recommendation for the situation stating that we need to look at the total picture taking into consideration a correlation between those renting homes, home ownership, and crime.

Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, said that it is clear a large number of jobs are being created in the poultry industry and the people getting those jobs are living in the City of Harrisonburg. This fact is reflected in the housing study, but also is clearly articulated in

the ESL statistics regarding school age children. Balance is the key to any healthy community. Mr. Deskins said that Harrisonburg will continue growing, but if current trends are not changed, much of that growth will be in low-wage industries creating a need for low-income housing the City probably cannot meet. The increase stems from a lack of higher-paying jobs within the City. Increasing numbers of higher income people are moving into Rockingham County, while the City Atakes on the lion's share of housing for migrant workers who do not make enough money to purchase homes. He said, You cannot go down that road for very long. The result is a vulnerable City economy. With much of the economy based on a volatile industry, i.e., retail sales, and much of the growth based on low-level manufacturing, i.e., poultry workers, the City's economic base is vulnerable.

Mr. Deskins also said, The greatest experience of my life, from a professional level, has been the opportunity to work with many people in Harrisonburg. I especially want to express my appreciation for having the opportunity to have been mentored by James R. Sipe who will remain in my heart and mind as one of the greatest citizens of the City. Without his calm level of guidance and support, I could not have survived for 21 years in a job with people shooting at you all the time. Mr. Deskins also expressed his appreciation to the various housing authority commissioners, City Council members and having a supportive staff that can get the job done without much supervision.

Michael Wong, Chairman of the Harrisonburg Redevelopment and Housing Authority, mentioned some accomplishments of Jim Deskins as departing Executive Director of the Harrisonburg Redevelopment and Housing Authority including the Court Square Theater, The Market Place, Bridgeport Building, Health Department Building, WHSV-TV, Harrison Plaza, Boys and Girls Club, assisting in the building of the Harrisonburg-Rockingham Judicial Complex, Craft House, Lineweaver Apartments, and working with Hope builders. Mr. Wong thanked Mr. Deskins for his many years of dedication to Harrisonburg.

Council Member Rogers presented Jim Deskins with a certificate of appreciation from the Harrisonburg City Council for 21 years of distinguished service as Executive Director of the Harrisonburg Redevelopment and Housing Authority.

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

**RESOLUTION SUPPORTING THE DEVELOPMENT
OF THE VIRGINIA BIRDING & WILDLIFE TRAIL**

WHEREAS, Harrisonburg has received information that the Virginia Department of Game and Inland Fisheries, hereafter referred to as ADGIF, has set a goal of obtaining TEA-21 (transportation enhancement) funding for the purpose of creating the Virginia Birding & Wildlife Trail; and

WHEREAS, Harrisonburg has identified ecotourism as a priority in their tourism development program and it appears that the Virginia Birding & Wildlife Trail would strongly complement their ecotourism initiatives and enhance local economic development; and

WHEREAS, bird-watching and nature-tourism are rapidly growing components of the tourism industry, attracting more than two million individuals annually to existing Virginia sites and generating nearly \$700 million annually; and

WHEREAS, the Virginia Birding & Wildlife Trail is intended to unify existing and potential wildlife watching sites into a single, cohesive, marketing entity; and

WHEREAS, the proposed Birding & Wildlife Trail will be a driving trail using Virginia=s existing highway system to link some of Virginia s best wildlife watching sites providing recreational opportunities, wildlife habitat awareness, and marketing opportunities; and

WHEREAS, the initial planning process for the project is being funded by DGIF funds, and subsequently anticipated to be funded in part by TEA-21 enhancement funds, for the development of the Birding Trail; and

WHEREAS, site enhancement would generally include signage, gateway wildlife gardens, roadside pull-offs, and boardwalks/lookouts.

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

- 1. That it supports the efforts of the Virginia Department of Game and Inland Fisheries, in their efforts to obtain TEA-21 funding for the Virginia Birding & Wildlife Trail.**
- 2. That it directs the City staff to submit site nomination to DGIF for inclusion in the proposed Virginia Birding & Wildlife Trail.**

Adopted _____

Mayor

Attest:

City Clerk

Ruth Deskins, Harrisonburg-Rockingham Convention and Visitors Bureau Director, requested that City Council adopt this resolution in support of the development of the Virginia Birding and Wildlife Trail. She explained that this project is a multi-phase project with the initial coastal project being funded by a TEA-21 grant. Adoption of this resolution will begin the western phase of the project this year. She also said that bird-watching or ecotourism is the fastest growing segment of the tourism industry attracting more than two million individuals annually to existing Virginia sites. The proposed Birding and Wildlife Trail will be a driving trail using Virginia's existing highway system to link some of Virginia's best wildlife watching sites providing recreational opportunities, wildlife habitat awareness, and marketing opportunities. Council Member Fitzgerald offered a motion to support this resolution. The motion was approved with a unanimous vote of Council.

City Manager Baker 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. In the past Harrisonburg has been teamed with the Town of Blacksburg and the City of Charlottesville. It would involve contact between the jurisdictions during a two-year period with perhaps one visit sharing information with each other. Vice-Mayor Peterson suggested that good City government should already be sharing information with neighboring jurisdictions. Council Member Fitzgerald offered a motion to continue being involved in this program. The motion was approved with a unanimous vote of Council.

Police Chief Harper reported on the Police Department's staffing needs. He explained that information contained within this report is provided to inform City Council on specific topics as they relate to providing police services to the community. The report focuses on several primary issues including Police Department staffing, staffing and salaries compared to other departments, cost of a new officer, and technology. Some information used to determine staffing included anticipated level of crime in Harrisonburg, future calls for service, anticipated growth in housing, commercial development, population, programs to improve quality of service, community attitudes relating to crime, traffic problems, use of automation to supplement staffing resources, staffing support in communication and administrative. He said evaluating the department's need for additional staffing in all areas is an on-going process. This report compares Harrisonburg to other jurisdictions of similar size, population, crime statistics, and common areas such as university towns. He explained calls for service can vary from jurisdiction to jurisdiction. Harrisonburg calls for service is anything generated by a citizen complaint or self generated by an officer. Last year the Police Department provided 26,604 calls for service@ which was 6,034 more than in 1995. It cost \$38,321 for the first year to hire and train a police officer in the City. The City does not get a return on that investment until eight or nine months later. The public safety building is an essential tool in the achievement of local law enforcement goals. The present structure occupied by the Harrisonburg Police Department was designed and constructed in 1949 to serve as the Valley Creamery. The building was used as a creamery until about 1970, and was purchased by the City of Harrisonburg to be used as headquarters for the Police Department. Colonel Harper also noted that Harrisonburg and Rockingham County are one of the last areas in the commonwealth to have separate emergency services dispatchers. In most jurisdictions, City/County police departments and fire departments are dispatched through one 911. He explained that if someone calls 911 in Harrisonburg or Rockingham County, the call is answered by the fire department dispatchers. If it's a City police emergency, the call is transferred to the police department. The same goes for county police services. He said, It's not

much time, but if you're the caller and you have an emergency, it's too much time.

Some discussion by Council Members relative to the report included significant accumulation of leave balance, maintaining current staffing, only being fully staffed for six months during the last nine years, salaries being a major issue, increase in calls for services, very little community policing, and increased calls from the public housing areas.

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He explained that these funds were donated as a partial beneficiary of a local estate. The donation will be used to purchase a thermal imaging camera, as well as other equipment for the department. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$19,889.67 chge. to: 1000-31809 Donations

\$19,889.67 approp. to: 1000-320232-48113 Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

Cheryl Talley appeared before City Council stating that she was one of the newer commissioners of the Harrisonburg Redevelopment and Housing Authority. She said people are more likely to engage in criminal activity to gain money. Jobs that pay a fair wage and communities that have people earning a fair wage also corresponds with lower crime rates. The Harrisonburg Young Achievers has been committed over the last five years to teach children as young as seven the possibility of job creation and entrepreneurship for themselves. The theory is that you can create a business if you have the tools in which to do so. Jobs and education also have an impact on crime. She said that housing is a regional problem which also includes Rockingham County. Housing is not just the problem of Harrisonburg.

Vice-Mayor Peterson said that various road plans for the CAP program were mentioned in an article appearing in the Daily News-Record. The article also suggests using federal and state funds to relocate railroad tracks outside the northern limits of the City. This would be a great benefit to the traffic in the City and JMU. He suggested that City Council should approach the administration of JMU with these suggestions to explore ways of receiving funding to help the railroad make a change in the routing. Council Member Lantz said AI agree with the suggestion and it is worth a try, but we would have more success moving Massanutten Mountain than getting railroad tracks moved. Council agreed for Vice-Mayor Peterson to discuss this issue with the president of James Madison University.

City Manager Baker announced that a planned work session between City Council and School Board had been canceled for January 30th and he will notify everyone when another work session has been planned.

At 8:55 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: Harrisonburg Electric Commission, Harrisonburg Building Code Board of Appeals, Social Services Advisory Board, Shenandoah Valley Airport Commission and the Blue Ridge Disability Services Board. A closed session is permissible for this purpose pursuant to Section 2.1-344-A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of actual or probable litigation with legal counsel and staff members. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.7. IN ADDITION, the purpose of the closed session is for the discussion of acquisition of real estate. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code.

At 10:10 p.m., the closed session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I 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 convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that John N. Neff, 456 Myers Avenue, be appointed to a first term on the Harrisonburg Building Code Board of Appeals to expire on November 30, 2005. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Ben Melton, 241 Paul Street, be appointed to a fourth term on the Blue Ridge Disability Services Board, to expire on February 1, 2004. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Joe Bowman, 1155 Rockingham Drive, be appointed to a fifth term on the Shenandoah Valley Airport Commission, to expire on January 28, 2004. The motion was approved with a unanimous vote of Council.

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

CLERK

MAYOR

REGULAR MEETING

FEBRUARY 13, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

City Manager Baker introduced Assistant City Manager Kurt Hodgen. He explained that Kurt was the Assistant County Administrator for Botetourt County. Mr. Hodgen is a graduate of James Madison University and began his career in City management with a spring internship with the City of Harrisonburg in 1984. Mr. Baker said that Kurt has been attending meetings and providing some good ideas and helpful input. Mayor Frank welcomed Assistant City Manager Kurt Hodgen to Harrisonburg.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and a second reading of a supplemental appropriation for the Fire Department. The motion also included referring a request to close a portion of old South High Street, South of Cantrell Avenue to the Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
Vice-Mayor Peterson
Council Member Rogers
Council Member Lantz
Mayor Frank

Absent - None

Mayor Frank announced that a scheduled public hearing to consider a rezoning request has been tabled until the next meeting by the applicant.

✓ Planning and Community Development Director Turner presented a brief overview of Planning Commission 2000 Annual Report. Mrs. Turner said that Planning Commission recommended adoption of the Bike Plan which City Council adopted and forming a Landscape Committee to implement a program involving private/public partnership to beautify public spaces. She also said that Planning Commission provided staff with guidance on the implementation of Proactive Zoning enforcement.

Representatives from the cast of Guys and Dolls, presented a brief performance of a spring musical to be held at Harrisonburg High School March 1-4. City Council was invited to attend a performance and the gala Saturday night March 3.

Council Member Fitzgerald offered a motion that Alison Banks be designated as Zoning Administrator. The motion was approved with a unanimous 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 recover overtime money for the Police Department from a Division of Motor Vehicles Grant. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$12,000.00 chge. to: 1000-32520 Division of Motor Vehicles Grant

\$12,000.00 approp. to: 1000-310231-41020 Salaries/Wages OT

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
Vice-Mayor Peterson
Council Member Rogers
Council Member Lantz
Mayor Frank

Absent - None

✓ Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds received from a federal block grant will be used to purchase in-car video cameras and surveillance equipment. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$16,340.00 chge. to: 1000-33507 Block grant

\$14,500.00 approp. to: 310231-48211 New Machinery and Equipment

1,840.00 approp. to: 310331-48211 New Machinery and Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
Vice-Mayor Peterson
Council Member Rogers
Council Member Lantz
Mayor Frank

✓ Absent - None

✓ Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from the Department of Justice would reimburse the City for travel expenses to send a Police Captain for a drug project meeting. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$409.29 chge. to: 1000-31901 Recoveries & Rebates

\$409.25 approp. to: 1000-310431-45530 Training and Travel

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
Vice-Mayor Peterson
Council Member Rogers
Council Member Lantz
Mayor Frank

Absent - None

City Manager Baker presented a request for a supplemental appropriation for the Human Resources Department. He explained that these funds were encumbered from last year's budget and need to be reappropriated for this year's budget and payment. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$3,989.31 chge. to: 1000-31010 Amount from Fund Balance

\$2,372.81 approp. to: 1000-120511-45530 Training and Travel

1,416.50 approp. to: 1000-120511-46010 Office Supplies (personnel files)

200.00 approp. to: 1000-120511-45530 Other Operating Supplies (Service Award Pins)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
Vice-Mayor Peterson
Council Member Rogers
Council Member Lantz
Mayor Frank

Absent - None

City Manager Baker presented a request to increase the City Attorney's budget. He explained that the City Attorney sought legal advice from the Golf Course bond attorneys as requested by City Council. The attorneys have billed the City for this service and payment of this bill will exceed the 2000-2001 budget for other legal services. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$3,824.00 chge. to: 1000-31010 Amount from Fund Balance

\$3,824.00 approp. to: 1000-120411-43152 Other legal services

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Council Member Lantz
 Mayor Frank

Absent - None

Council Member Rogers said since the School Board has decided to reject the Lucy Simms School as a potential elementary school site, City Council will decide the future of the building. He said, "I propose we construct a Lucy Simms Community Learning Center." It would allow the City to expand on programs like the Boys and Girls Club and OP Shop which is already housed in the building. He also recommended classes for the elderly, adult education and English as a second language. He said, "If the Council really has the vision, not just a vision for the northeast community, but a center for all 36,000 of our citizens, then perhaps next spring we can break ground for a new swimming pool." He encouraged Council to make a financial commitment to the project. Council Member Lantz offered a motion that City Manager Baker form a committee to begin exploring options for the building's use.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Council Member Lantz

No - Mayor Frank

Absent - None

City Manager Baker presented a request to supply City water to approximately 10 lots in the Rawley Springs area. He explained that the City's moratorium conditions will apply to these lots because they were on record as of November 1, 1992. Rockingham County cannot provide water to the area. He requested authorization to discuss this matter with City Attorney Miller and Public Utilities Director Collins. Council Member Fitzgerald offered a motion authorizing City Manager Baker to proceed with negotiating a contract. The motion was approved with a unanimous vote of Council.

City Manager Baker reported that he had received a letter from Sheriff Don Farley requesting that a security study be conducted at the Rockingham County Court House. Sheriff Farley is recommending metal detectors be placed at some doors of the building and other doors locked. It will require two deputies be placed at each detector. Sheriff Farley has estimated it will require hiring five full-time deputies starting April 1. The City's share of the cost will be \$30,000 for this fiscal year. Mr. Baker noted that he will have further information at the next Council meeting.

Council Member Fitzgerald offered a motion that Paul S. Cline, 153 Diamond Court, be appointed to a second term on the Harrisonburg Electric Commission, to expire on December 31, 2003. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that James A. McKee, 270 Campbell Street, be appointed to a first term on the Harrisonburg Electric Commission, to expire on December 31, 2003. The motion was approved with a unanimous vote of Council.

At 8:10 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: Harrisonburg Electric Commission, Golf Course Advisory Committee, Harrisonburg Transportation and Safety Commission, Social Services Advisory Board, and the Harrisonburg Parking Authority. A closed session is permissible for this purpose pursuant to Section 2.1-344-A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to two (2) parcels of real property. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code. IN ADDITION, the purpose of the closed session is for the discussion of matters related to probable litigation. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.7 of the Code.

At 9:30 p.m., the closed session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I 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 convened, were heard, discussed or considered in the closed session by the City Council.

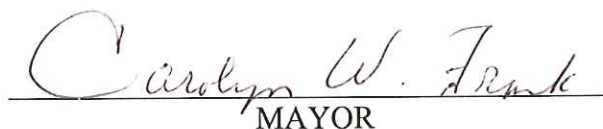
Vice-Mayor Peterson offered a motion that Phyllis Armentrout Wong, 447 Northfield Court, be appointed to an unexpired term on the Social Services Advisory Board to expire on July 1, 2001. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Leonard VanWyk, 115 Southampton Drive, be appointed to the Harrisonburg Transportation and Safety Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that DiAnn P. Hand, 135 Betts Road, be appointed to an unexpired term on the Harrisonburg Parking Authority, to expire on November 28, 2001. The motion was approved with a unanimous vote of Council.

At 9:33 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

MARCH 13, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Girl Scout Troop #24 from Harrisonburg including Briana Watts, Brianna Shears, Alona Gates, Jessica Mahon, Brittney Martin, Megan Kelly, and Logan Hand delivered the invocation and led everyone in the Pledge of Allegiance.

Mayor Frank request that Item #4c be removed from the consent agenda and considered separately.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending Section 4-2-62 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Mayor Frank explained that she had requested Item #4c be removed from the consent agenda because it will be approving a golf course driving range for a second reading. She said, AI am not objecting to the driving

range, but I am objecting to investing \$386,275.37 into a piece of property that the City does not own and has not agreed upon a purchase price. Council Member Fitzgerald offered a motion to approve the second reading of a golf course driving range. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

No - Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by A.B. McHone and Sons to close a 613 square foot alley that runs north from West Water Street and to purchase a 1,425 square foot City owned parcel. She explained that the area is zoned R-2 Residential District. The applicant is requesting to close a 613 square foot alley running north south adjacent to property already owned by the applicant. In addition, the applicant is asking to buy a parcel which the City currently owns. The house on this site is currently nonconforming due to the 30-foot front yard setback and 7,000 square foot lot area requirements for R-2 Residential District. The addition of this land would still not make it conform to either the front yard setback or the required 7,000 square foot lot area requirements. She said that the Public Works Department has requested a 10-foot easement at the corner of West Water Street and South High Street. The easement would be used to place a future stoplight control box at this corner. Staff has reviewed the alley closing and recommends approval. Mrs. Turner noted that the sale of the property would not be handled the same as the transfer of the alley or the vacation and closure of the alley. The Planning Commission recommended closure of the alley. City Manager Baker said the City owned property will be advertised in the newspaper for sale by sealed bids or it can be sold at a public auction.

At 7:40 p.m., Mayor Frank closed the regular session temporarily and called the evening=s public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 26, and Monday, March 5, 2001.

NOTICE OF INTENTION TO CLOSE

AN ALLEY

**LOCATED ON THE CORNER OF
WEST WATER STREET AND NORTH HIGH STREET
AND PURCHASING A 1,425 SQUARE FOOT CITY OWNED PARCEL
IN THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on Tuesday, March 13, 2001, 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of A.B. McHone & Sons, LLC to vacate a 613 square foot alley at the corner of West Water Street and North High Street and purchase a 1,425 square foot City owned parcel.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the alley to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this alley closure. 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 Peterson offered a motion to approve this alley closure and authorize City Manager Baker to advertise the City owned property for sale. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker presented for Council's consideration a request from the Salvation Army to donate City owned land adjacent to its facilities. He explained that the land consists of two paper streets that the Salvation Army had requested to be closed several years ago. However, since the City did not receive payment for the land a second reading was never held. The third parcel is a small triangle that would have to be disposed of by sealed bid or public auction. Mr. Baker said that Sections 6-1-22 and 6-1-23 of the Harrisonburg City Code refer to the specific language on how a street, alley or portion thereof can be vacated by action of the City Council. Discussion by Council Members included whether to refer this request to the Planning Commission, initiate the request to donate the land to the Salvation Army or ask them to withdraw their request. Major Samuel Van Denberg of the Salvation Army came to the podium and formally withdrew the Salvation Army's request. Council Member Lantz offered a motion to appoint a Board of Viewers to consider this request. The motion was approved with a unanimous vote of Council.

Tim Lacey, a builder and developer in Harrisonburg, presented a proposal to City Council. He explained that several years ago he had started developing and planning Westfield Subdivision. He also said that during the planning and reviewing process, City staff requested streets in the Westfield Subdivision be over built by adding additional asphalt to accommodate future growth. Mr. Lacey said that he had spent additional money to prepare for the future growth. He is now completing the final section of Westfield Subdivision and has an option to purchase a 102-acre parcel of county land bordering the western city limits. He estimated he could build 170-180 homes, but would need the City to lift its moratorium on services to county residents. In exchange for lifting the moratorium, Mr. Lacey said that he would donate 20 acres of the parcel to the City. He noted that this offer has no stipulations on how the land will be exchanged, could be, or should be used. Mr. Lacey said that as a developer he would pay the cost of extending water and sewer lines. The City will benefit by receiving twice the monthly fees for the service. Mr. Lacey said this offer will allow him to continue developing the subdivision.

Vice-Mayor Peterson questioned how many connections would be needed for the subdivision. He said that he would need more information about estimated water use before making a decision. He also said that he was concerned that lifting the moratorium would put an extra strain on the City's water supply.

City Manager Baker noted that the City's moratorium went into effect in 1991. Since 1991, requests have been granted to single families and a new Rockingham County school.

Council Member Fitzgerald asked two questions, Question number one, do we have the water and how much water will these houses need? Question number two, whether the situation is unusual enough that it would not create a precedent causing the City to break the moratorium for other requests? He said that he would need

more information about estimated water use before making a decision. He also questioned if the City had a use for the donated land.

Bob Steere, a resident of 652 Central Avenue, said that he was opposed to the deal. He said, I am concerned about the development's size and the large amount of water service that will be used per day. He also said that the City should provide water service to its citizens first before giving service to people who do not or will not live within the City limits. He pointed out that real estate taxes would be paid to Rockingham County.

Naomi Curry, a resident of 408 Lee Avenue, questioned whether it was appropriate for an elected official to make such an offer for financial gain, or to participate in any form of discussion related to such an offer.

Dale Metzler, a resident of 1513 North College Avenue, questioned the strain this request would put on the City's water supply.

Pat Spalding, a resident of 277 Franklin Street, questioned whether it was appropriate for an elected official to offer a gift in exchange for favors that will benefit monetarily. She also said that a gift is not a gift if it is related to receiving something in return.

Chris Watts, a resident of 1888 Shenstone Lane, said that she was worried about the families bordering Mr. Lacey's proposed subdivision. The property is almost completely surrounded by old farms. How many of the current residents will enjoy construction noise over the next year or the added traffic through the area.

Sallie Strickler, a resident of 1017 Smithland Road, thanked the Planning Commissioner for his comment regarding the areas in the City without water and sewer because her family lived in one of the areas. She said, I think that it is important to take care of those citizens living within the City limits before reaching out to others. She said that she has been waiting a long time for water and sewer.

Following further discussion and comments, Council Member Lantz offered a motion to table this item until further information can be provided. The motion was approved with a unanimous vote of Council.

Walter W. Aldredge, president of the Greendale Neighborhood Association, presented concerns from the residents regarding the operation of the Rockingham County landfill. He said, We believe the new cell is in violation of state and Federal regulations. We knew when we built our homes, the neighborhood was next to the Rockingham County landfill, but at that time there were trees and a large hill that separated the

neighborhood from the active part of the landfill protecting it from blowing trash and dust. However, things changed drastically last spring when the county cleared trees and leveled the large hill that separated residents from the active area of the landfill. Mr. Aldredge said that if Rockingham County cannot operate the landfill in total compliance, then it should not be operating a landfill. He suggested that Rockingham County should plant trees and build a large earthen berm to block the landfill from the Greendale residents. He suggested that housekeeping should also be a part of the landfill daily operation.

Captain Dan Claytor of the Harrisonburg Police Department presented an overview of the Weed and Seed Program. He explained that the Department of Justice had identified eight localities throughout the United States which have significant methamphetamine or drug problems. Harrisonburg and Rockingham County has been designated as one of those areas. Representatives from the eight jurisdictions met in San Diego, California to discuss various strategies on how to deal with this problem and learn about a strategy the San Diego area has been using which has had some success. Captain Claytor said that an application was submitted through the Harrisonburg-Rockingham Criminal Justice Board for funding through the Weed and Seed strategy program. The primary goals of the program's strategy are to reduce violent crimes, drug traffic, drug related crimes within a particular target area of a jurisdiction and provide a safe environment for law-abiding citizens of the community. He reviewed the four elements of the strategy program including law enforcement, community policing, prevention, intervention, and treatment of various programs for the residents in the targeted areas. He said that presently the Weed and Seed Initiative is under the direction of a Steering Committee composed of various government representatives. The application is being handled through the Harrisonburg-Rockingham Criminal Justice Board with the assistance of the United States Attorney's office in Roanoke.

The request from Eastern Mennonite University for a contribution to the Bach Festival has been tabled until the next meeting.

Director of Public Works Baker presented a request for Capital Project funds. He explained that these funds had been transferred into the East Side Road Improvement Capital Project from the General Fund to complete the project. However, since that project is completed, these funds are needed for the Stone Spring Road/Erickson Avenue project improvements. This transfer request will not increase the budget. It is only transferring funds from one project to another project. Council Member Lantz offered a motion to transfer these funds.

\$1,161,262.64 chge. to: 1310-910141-48607 Eastside Road Improvements

\$580,631.32 approp. to: 1310-910141-48636 Stone Spring Road Improvements

\$580,631.32 approp. to: 1310-910141-48637 Erickson Avenue Extension

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker presented a request for transferring funds for the new Welcome to Harrisonburg entrance signs. He explained that a contest had been held and it was announced that Jim Anderson who is the owner and operator of Signs USA was the winner. This transfer is necessary to pay for the new entrance signs. Mr. Baker noted that the City will be working with the Virginia Department of Transportation in the placement of the signs. Council Member Lantz offered a motion to transfer these funds.

\$5,000.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$5,000.00 approp. to: 1000-410841-43010 Miscellaneous contractual services

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Director of Public Works Baker presented a request for a supplemental appropriation. He explained that the City needs to purchase 400 tons of deicing salt to replenish the stockpile of salt on hand for snow and ice control. Council Member Lantz offered a motion to approve this request:

\$19,044.00 chge. to: 1000-31010 Amount from Fund Balance

\$19,044.00 approp. to: 1000-410541-46070 Repair & Maintenance Supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from a Division of Motor Vehicles grant will be used to purchase orange traffic cones. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$1,250.00 chge. to: 1000-32520 DMV Grant

\$1,250.00 approp. to: 1000-310231-46100 Police Supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds are unanticipated receipts from Federal funds that were not known during the budget process. The funds will be used in a Refugee Children School Impact Grant that has been made available to instruction. No new local dollars are required from the City. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$20,217.00 chge. to: 1111-33301 School Revenue - Federal

\$20,217.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Deborah Wright, a resident of 3081 Horseshoe Lane, questioned what could the City Council do to help the residents of the Greendale neighborhood. Mayor Frank responded that the only thing City Council can do is make sure Rockingham County is obeying all of the rules and regulations.

Bill Crapple said that he had retired and moved to the Greendale neighborhood. He said, AI have spent my life savings for my home and didn't know about the landfill because the realtor did not inform me it existed. When the expansion started last summer, it was a shock to everyone.

Council Member Lantz commented that City Council can encourage Rockingham County to follow the rules and regulations concerning the landfill.

Council Member Fitzgerald offered a motion that Roger Baker be appointed to a term on the Shenandoah Valley Partnership to expire on June 30, 2003. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that Jane C. Prey, 28 Laurel Street, be appointed to a second term on the Blue Ridge Community College Board of Trustees to expire on June 30, 2005. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that J. Wayne Alley, 418 Fairway Drive, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2005. The motion was approved with a unanimous vote of Council.

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

CLERK

MAYOR

REGULAR MEETING

MARCH 27, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Michael Kerns from the Asbury United Methodist Church Troop #40 led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplement appropriation for the Police Department, Public Works Department, and the School Board. The motion also included referring a request for a street name change to the Planning Commission, closing a 613 square foot alley and holding a public hearing April 10, 2001 to set the tax rate. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Fitzgerald
Council Member Rogers
Vice-Mayor Peterson
Mayor Frank

Absent - None

✓ City Manager Baker presented for Council's consideration a request to release a City easement located off Stonewall Drive. Mr. Baker explained that the property owners are asking to have an easement that used to contain overhead power lines belonging to the Harrisonburg Electric Commission (HEC) be released. The overhead lines have been removed and the easement is no longer needed due to the absence of the lines. He said that Planning Commission recommended approving this request. Vice-Mayor Peterson offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

✓ John Neff (former Mayor of Harrisonburg) presented an overview of a joint proposal from the Arts Council of the Valley and the Harrisonburg Redevelopment and Housing Authority (HRHA). Mr. Neff said that the Arts Council of the Valley's mission is to create a vibrant community through the advancement of cultural arts organizations and venues. Harrisonburg is a pioneer in the state with its recent legislation passed by the Virginia General Assembly allowing for the creation of an arts and cultural district in the downtown area. Mr. Neff said, "Approval of this bill is expected to add momentum to Harrisonburg's downtown revitalization efforts." Once Governor Gilmore signs the bill as expected, the City can provide incentives for arts and cultural venues within the new district. Mr. Neff introduced several members of the Arts Council including Doug Guynn, Brian Shull, Joe Fitzgerald, Ed Sipe, Stephanie Byrd, and Judy Strickler. This

proposal is a partnership in support of local art organizations and includes businesses, industries, creative arts organizations, HRHA, and the Harrisonburg City Council. Cultural development is an integral component of any City's economic development program. Mr. Neff encouraged everyone to visualize a downtown area with shops, art galleries, theaters and other venues that will offer a diversity of programming and entertainment. The success of Court Square Theater, OASIS and The Playhouse is absolutely critical to continue the revitalization of downtown Harrisonburg. Art support creates a source of pride and vitality for the citizens of our community. Mr. Neff said, "I have a dream and can visualize what potential the City has if we all work together." The Court Square Theater was built several years ago through a collaboration of the City and HRHA to redevelop and enhance the downtown area. Michael Wong (Chairman of the HRHA) proposed a partnership between the City and the Harrisonburg Redevelopment and Housing Authority to transfer one-half undivided interest in the Court Square Theater complex. In return for half ownership, the City will forgive the unpaid principle balance on the project. The HRHA owes the City \$447,811.50. Harrisonburg and the Harrisonburg Redevelopment Housing Authority will lease the theater to the Arts Council of the Valley beginning July 1, 2001 for the next 10 years rent free. The Arts Council will be responsible for all ongoing expenses concerning the operation of the theater. The Arts Council will take over the theater's operation, including responsibility for ongoing operational expenses and a commitment for use of the theater through August 2001 to the Blue Ridge Festival. The Arts Council of the Valley commitment to the community is to create a vibrant facility in the Court Square area that will be diverse and pro-active, bringing new programming and marketing plans to fruition. Mr. Neff said that the Arts Council requests \$25,000 funding in the City's current fiscal year ending June 30, 2001 primarily for the upstart of the Arts Council which includes the hiring of an executive director. Mr. Neff also requested \$40,000 in funding from the City's next fiscal year budget ending June 30, 2002. The Arts Council of the Valley is relying on seven primary revenue sources including corporate, foundation/government grants, business and individual contributions, program admissions and concessions, special events, event sponsorships, miscellaneous income, leases and ticket commissions, and member fees/tuition. Corporate, foundation and government grants comprise more than one third of the overall budget, but funding from the City of Harrisonburg is a critical element. This budget will enable the Arts Council of the Valley to operate in a manner sufficient to sustain its mission.

Vice-Mayor Peterson said, "I was initially opposed to the proposal because of the cost. But, Mayor Frank and I met with the president of the Arts Council, former Mayor John Neff, and came away impressed. I came away convinced this is money well spent. I don't think it was easy to convince me of that."

Mayor Frank commented that this is obviously a labor of love for John Neff and the only alternative the City would have would be to put a closed sign on the Court Square Theater.

Council Member Fitzgerald said, "It seems like a lot of money, but if you look at the work the Art's Council has already accomplished, it would have cost the City several thousands of dollars to duplicate." Council Member Fitzgerald offered a motion to approve the proposal as outlined by former Mayor John Neff which includes transferring \$25,000 from this fiscal year budget ending June 30, 2001.

\$25,000.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$25,000.00 approp. to: 1000-910411-45885 Arts Council of the Valley

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Fitzgerald
Council Member Rogers
Vice-Mayor Peterson
Mayor Frank

Absent - None

✓ Mayor Frank introduced three new City employees: Ben Zimmerman, Kevin McInturff, Fire Department; and Marcia Sharp, Police Department.

✓ Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2001-2002 budget. He said the proposed school budget provided a breakdown of anticipated revenue and expenditures for the coming year. However, he noted at this point we still do not have a clear picture of what our state revenues are going to be. The School Board included in the budget an amount based on the best estimate of information provided by the Virginia Department of Education and on previous budget experience. Work on this year's budget has been extremely difficult. The budget includes large increases over which the School Board has little or no control including utility increases, bus transportation, debt service, Governor's school, and health insurance increase. The budget is based on a projected average daily membership (ADM) which next year is projected to be approximately 3,750. At a time when school enrollment is increasing the amount of state funds are decreasing. The total budget is \$37,329,444. Of that amount, City revenues total \$22,307,558 which includes an increase of \$2.5 million. This represents an increase of 12.88% in local revenues. Dr. Ford reviewed the many achievements the City's schools have received including five out of the six schools being fully accredited by the state, Expansion Magazine naming Harrisonburg as an outstanding school division, and principal Steve Jackson being named a 2000 Milken Foundation National Educator Award winner. He noted meeting the needs of a very diverse student population increase has become a difficult challenge for the School Board. The SOL tests and scores continue to be challenging and increasing enrollment provides pressure to keep class sizes at appropriate levels. Dr. Ford reiterated if additional state funds were received, then the School Board would reduce the amount of money requested from the City.

Vice-Mayor Peterson asked Dr. Ford to review the projected salary increases. Dr. Ford said that the budget includes a projected average salary increase of 6.12% for teachers and a 5% salary increase for all other personnel.

Council Member Lantz said, "Enrollment increasing and state funding decreasing is an alarming trend and continued increases in City funding for schools could eventually force up real estate taxes."

Council Member Rogers commented that he is very proud of the City's schools because of the dedicated teachers, administrative staff, supporting staff members and achievement of the students.

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

**RESOLUTION OF THE CITY OF HARRISONBURG
PROJECT ENDORSEMENT AND PROGRAMMING RESOLUTION
TRANSFER OF ENHANCEMENT PROJECT FROM THE HARRISONBURG
REDEVELOPMENT AND HOUSING AUTHORITY
TO THE CITY OF HARRISONBURG**

WHEREAS, the City of Harrisonburg, Virginia, is desirous of acquiring and developing the Virginia Craft House a/k/a Hardesty-Higgins Property located on South Main Street in Harrisonburg, Virginia, and converting it into a Visitor's Bureau and Transportation Heritage Museum through the use of the funds previously programmed to the Harrisonburg Redevelopment and Housing Authority for the same purpose since the ownership and mission of this project is a proper and appropriate function for the City of Harrisonburg, and, in accordance with Commonwealth of Virginia, Department of Transportation, acquisition and construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program can transfer an enhancement project in the City of Harrisonburg, Virginia, from the Harrisonburg Redevelopment and Housing Authority to the City of Harrisonburg, a municipal corporation.

NOW THEREFORE, BE IT RESOLVED:

1. The City of Harrisonburg requests the Commonwealth of Virginia, Department of Transportation, transfer a project from the Harrisonburg Redevelopment and Housing Authority to the City of Harrisonburg for the planning, design, acquisition, right-of-way, construction and improvement of the Virginia Craft House a/k/a Hardesty-Higgins Property and converting it into a Visitor's Bureau and Transportation Heritage Museum;
2. The City of Harrisonburg hereby agrees to pay twenty percent (20%) of the total costs for the planning, design, acquisition, right-of-way, construction and improvement of this project, and that if the City of Harrisonburg subsequently elects to cancel this project, it agrees to reimburse the Commonwealth of Virginia, Department of Transportation, for the total amount of the costs expended by the Commonwealth of Virginia, Department of Transportation, through the date that it is notified of such cancellation; and
3. The City Manager of the City of Harrisonburg is authorized to prepare and execute all documents necessary to effectuate the programming and transfer of this enhancement project from the Harrisonburg Redevelopment and Housing Authority to the City of Harrisonburg.

Adopted this 27th day of March, 2001, by the Harrisonburg City Council, in Harrisonburg, Virginia.

Mayor

Attest:

City Clerk

City Manager Baker explained that adopting this resolution would transfer a project from the Harrisonburg Redevelopment and Housing Authority to the City of Harrisonburg for the planning and developing of the Virginia Craft House converting it into a Visitor's Bureau and Transportation Heritage Museum. The funds were received from an ISTE A grant through the Virginia Department of Transportation program for purchasing this building. If the City takes over the project, it can also apply for additional ISTE A funds to renovate the building. Council Member Fitzgerald offered a motion to approve this resolution. The motion was approved with a unanimous vote of Council.

Clarence Bauman representing Eastern Mennonite University came to the podium and said EMU would like to defer its request for a contribution to the Bach Festival. Mr. Bauman said that after speaking with John Neff, President of the Arts Council of the Valley, EMU would prefer deferring this request for a contribution from the City and working with the Arts Council to support the community's art functions. He also said it is a wonderful opportunity for the community, Eastern Mennonite University, and the Bach Festival to work together to benefit the entire Shenandoah Valley in the area of the arts.

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

Resolution Designating April as Clean-up/Fix-up Month

WHEREAS, the mission statement of the City of Harrisonburg expresses the intent to preserve and enhance the quality of life that is unique to the community; through promoting a partnership between citizens, elected officials and City employees; and

WHEREAS, it is also the City's desire to project an image of community pride, friendliness and livability; and

WHEREAS, the City Council seeks to encourage all citizens, businesses, schools, universities, civic groups, City employees and others to participate in a mutual effort to further enhance and beautify the City through fixing up and cleaning up public and private properties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Harrisonburg, Virginia does hereby designate the month of April as "Clean-up/Fix-up Month" in the City of Harrisonburg.

Date

Carolyn W. Frank, Mayor

Attest:

Yvonne Ryan, CMC, City Clerk

City Manager Baker said that the Chamber of Commerce is helping to promote this event by encouraging all citizens, businesses, schools, universities, civic groups, and City employees to participate in a mutual effort to further enhance and beautify the City through fixing up and cleaning up public and private properties. Council Member Fitzgerald offered a motion to support this resolution. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for Summer Feast on the Square on June 16, 2001 from 8:30 a.m. until 3:30 p.m. He explained that this is the fifth year for the event and will give residents and visitors a chance to familiarize themselves with the taste of many restaurants which now exist in the area. Emergency routes will be maintained and Main Street will remain open. Council Member Lantz offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from the United States Department of Justice will be used to purchase bulletproof vests. Council Member Lantz offered a motion to approve this request for a first reading:

\$7,144.10 chge. to: 1000-31901 Recoveries and rebates

\$7,144.10 approp. to: 1000-310231-48140 Bullet proof vests

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Fitzgerald
Council Member Rogers
Vice-Mayor Peterson
Mayor Frank

Absent - None

Mayor Frank said a new statement has been added to the agenda under other matters which states: Comments are limited to no more than three (3) to five (5) minutes, if more time is needed, please request to be placed on the regular agenda.

Lois Ann Handrich, Chair of the Harrisonburg School Board, said it is the responsibility of the School Board to meet the needs of the students. She expressed her appreciation to City Council for the additional funding that had been provided in past years.

Jeremy Fry expressed his appreciation to City Council and previous Council Members for their support for the arts in downtown Harrisonburg.

✓ Council Member Lantz offered his congratulations to the James Madison Women's Basketball Team for making it to the final four of the Women's National Invitation Tournament. He noted that the basketball team had beaten Temple and Mississippi State before being defeated by Ohio State in a semifinal game.

Mayor Frank announced that she had served as a judge in the state competition for the Boys and Girls Club. She said that it was an experience and she wished everyone could have won. She also thanked Council Member Larry Rogers for bringing the Boys and Girls Club to Harrisonburg.

At 8:45 p.m., Council Member Fitzgerald offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commission: The Central Shenandoah Planning District Commission. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). In ADDITION, the purpose of the closed session is for the discussion of matters related to three (3) parcels of real property. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code. In ADDITION, the purpose of the closed session is for the discussion of matters related to personnel matters not related to public business, which need to be discussed in closed session to protect the privacy of individuals. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.4 of the Code.

At 10:21 p.m., the closed session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I 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 convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that Carolyn Frank and Stacy Turner be appointed to another term on the Central Shenandoah Planning District Commission to expire on June 30, 2004. The motion was approved with a unanimous vote of Council.

At 10:28 p.m., there being no further business and on motion adopted the meeting was adjourned.

Lynne Ryan, Clerk
CLERK

Carolyn W. Frank
MAYOR

REGULAR MEETING

APRIL 10, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker briefly reviewed the real estate tax rate. He explained that the state requires that if the reassessment results in an increase of 1% in revenues, the City must hold a public hearing if it intends to maintain the same tax rate. The Commissioner of Revenue's office conducted a reassessment, which resulted in an overall increase in the City's real estate tax base of about 5.23 percent. The budget for next year is based upon maintaining the current \$.62 per \$100 evaluation for the real estate rate.

At 7:35 p.m., Mayor Frank 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 2, 2001.

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The City of Harrisonburg proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 5.23 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessment value of real estate with the exclusions mentioned above, would be \$.59 per \$100 of assessed value. This rate will be known as the lowered tax rate.

3. Effective Rate Increase: The City of Harrisonburg proposes to adopt a tax rate of \$.62 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.03 per \$100, or 5.1 percent. This difference will be known as the effective tax rate increase.

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total net budget of the City of Harrisonburg will exceed last year's revised budget by 2.4 percent.

A public hearing on the effective rate increase will be held on April 10, 2001 at 7:30 p.m., in the Municipal Building Council Chambers, 345 South Main Street, Harrisonburg, Virginia.

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

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone present desiring to speak for or against the real estate tax rate. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to maintain the current real estate tax rate at \$.62 per

\$100 of assessed value. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by Bill Neff/Deyerle Trust to rezone a parcel located at 16 Warehouse Road from B-2, General Business District to M-1, General Industrial District. She explained that this rezoning request by the property owners would enable Dutch Way Fencing to construct a building on the site. The parcel consisting of 1.058 acres is zoned B-2 General Business District. Mrs. Turner reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as General Industrial, which is composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. The Dutch Way Fencing Company describes itself as storing, assembling, and installing fencing and because of this they fall more under the M-1 classification rather than the B-2 classification. This is mainly due to the outside storage and assembly operations for this business. She said that Planning Commission held a public hearing and recommended that the request be approved. However, Mrs. Turner said that today April 10th, Bill Neff who is the applicant sent a letter to the City Manager's office requesting that the public hearing be held as intended, but requested that City Council table any vote until the next meeting. Mr. Neff is still negotiating some issues with Dutch Way Fencing Company.

At 7:40 p.m., Mayor Frank 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, March 26, and Monday, April 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, April 10, 2001, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

REZONING

Public Hearing to consider a request by Bill Neff/Deyerle Trust, representative Valley Engineering, to rezone a 1.058 acre lot, tax map parcel 108-C-1A from B-2, General Business District to M-1, General Industrial District. The area is located at 16 Warehouse Road.

The Comprehensive Plan designates this area as General Industrial, which is described as areas composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities.

The Zoning Ordinance states that the B-2 district allows a wide variety of retail shopping, commercial, recreational, and service activities. In addition, the M-1 district is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1 General Industrial District or the B-2 General Business District.

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

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against considering this request.

J.R. Copper representing the Bill Neff/Deyerle Trust explained that the primary request for rezoning this property was for the outside storage and assembly operations for the Dutch Way Fencing business. He also requested that the rezoning be tabled. There being no others desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to table the request. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to consider rezoning a parcel located on 1690 South Main Street, from M-1, General Industrial District and R-3, Multiple Dwelling Residential District to B-2, General Business District (conditional). She explained that the site contains approximately 4.8 acres. The site has a vacant movie theater building and storage structure. The Comprehensive Plan's Land Use Guide classifies the area as Commercial. The Commercial designation consists of uses including retail, wholesale, or service functions. These areas are found along the major travel corridors. Mrs. Turner also reviewed the surrounding uses in the area. Staff recommends approval of the request to rezone the property from M-1, General Industrial District to B-2. The applicant has proffered to maintain the current landscaping along the Purcell Park boundary and the subject property. The applicant will also maintain 50 foot setback between Purcell Park and Rocco Park Apartments boundaries for any buildings. These proffers will greatly reduce the risk of intrusion to the abutting residential uses. She said that Planning Commission recommended approval of the request.

At 7:49 p.m., Mayor Frank 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, March 26, and Monday, April 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, April 10, 2001, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

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REZONING

Public Hearing to consider a request by Rocco Enterprises, Inc., with representative Mr. Mike Pugh, to rezone a 4.818 acre lot, tax map parcel 10-C-5 from M-1, General Industrial District and R-3, Multiple Dwelling Residential District to B-2, General Business District (conditional). The lot is located at 1690 South Main Street.

The Comprehensive Plan designates this area as Commercial, which has uses including retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District.

In addition, the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

The B-2, General Business District is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

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

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against considering this request.

Mike Pugh, representing the applicant Rocco Enterprises, expressed his thanks to Mrs. Stacy Turner and her staff. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the

regular session reconvened. Vice-Mayor Peterson offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Absent - None

Council Member Rogers thanked Stacy Turner and her staff for the improvement in presenting the plats and maps on the overhead.

Planning and Community Development Director Turner introduced a request by William Hayter to vacate a 21,725 square foot street that runs east west parallel with South High Street and purchase a 5,682 square foot City owned parcel. She explained that Planning Commission held a public hearing to consider this request which included closing part of an old street right-of-way and purchasing a City owned parcel; however, it was discovered that the triangle is not excess property belonging to the City, but it is all right-of-way. Therefore, Planning Commission will be reconsidering this request at its meeting tomorrow night April 11, 2001. It will be necessary to re-advertise the parcel as all right-of-way and for City Council to hold another public hearing. Mrs. Turner said that Planning Commission had approved the request when they thought it was a City owned parcel and not right-of-way; therefore, she was confident they would recommend approval of the request as all right-of-way. There is a small area of approximately 200 square feet that the City has agreed to quitclaim.

At 7:53 p.m., Mayor Frank closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2001.

**NOTICE OF CLOSING A
PORTION OF OLD SOUTH HIGH STREET
SOUTH OF CANTRELL AVENUE**

The Harrisonburg City Council will hold a public hearing on Tuesday, April 10, 2001, 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of William Hayter to vacate a 21,725 sq. ft. street that runs east west parallel with South High Street and purchase a 5,682 sq. ft. City owned parcel.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

J.R. Copper, representing Valley Engineering, presented an advanced copy of the final plat and explained that this request has become more complicated than an average vacation of unused right-of-way and City owned property. He said that a 17,601 square foot portion of the 21,725 square foot property in question was properly advertised for tonight's City Council public hearing. The remaining 4,055 square foot parcel was thought to be excess City property, but is actually a portion of new South High Street. This parcel was a portion of the property that was originally owned by the City and used for part of the entrance into the high school. A new entrance into the high school was created aligning it with Cantrell Avenue. Both parcels are right-of-way and not excess City property. Mr. Copper requested that City Council vote on vacating the old South High Street portion of the property which is the 17,601 square foot parcel and refer to the Planning Commission the 4,055 square foot parcel for their re-review since it has been clarified that is right-of-way and not City owned property. Mr. Copper said, "Since the bank does not have a contract to purchase or title to either parcel, he requested that City Council initiate a rezoning. City Council will need to hold another public hearing to vacate the 4,055 square foot parcel."

There being no others desiring to be heard, the public hearing was declared closed at 8:05 p.m., and the regular session reconvened. Following a lengthy discussion, Vice-Mayor Peterson offered a motion to table the proposal from Planning Commission which included selling the right-of-way. The motion was approved with a unanimous vote of Council. The second part of Vice-Mayor Peterson's motion included asking Planning Commission to consider rezoning the three parcels (0.513 acres, 17,601 square feet, and 4,055 square feet) from R-2 to B-2. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented for Council's consideration of a first reading an ordinance amending Zoning Ordinance Section 10-3-46. She explained that this amendment would permit as a special use, a reduction in required parking for professional offices within the R-3 Multiple Dwelling Residential District. The amendment allows for more green space while providing the parking spaces if needed. The language is as follows: Article J. R-3 Multiple Dwelling Residential District, Section 10-3-46. Uses permitted only by special use permit: (3) Reducing required parking areas to permit fewer than the required number of parking spaces for professional offices permitted in residential districts, provided that an amount of open space equal to the amount of space that would have been used for the required number of parking spaces is left available for parking in the event that it is needed at some time in the future. Open space used for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of the Zoning Ordinance. She said that Planning Commission has recommended approval. City Attorney Miller suggested adding language to the amendment to make it clear that City Council will be making the decision concerning adding parking spaces. The additional language would insert the phrase "at the discretion of City Council" to the first sentence of the amendment following the phrase "in the event it is needed" and prior to "at some time in the future".

At 8:16 p.m., Mayor Frank closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, April 10, 2001, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public Hearing to consider a proposed amendment to Article J. R-3, Multiple Dwelling Residential District, Section 10-3-46. Consider adding the following as a use permitted only by special use permit:

Reducing required parking areas to permit fewer than the required number of parking spaces for Professional Offices permitted in residential districts, provided that an amount of open space equal to the amount of space that would have been used for the required number of parking spaces is left available for parking in the event that it is needed at some time in the future. Open space used for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of 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 an opportunity to express their views at these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against amending Section 10-3-46 of the Zoning Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 8:17 p.m., and the regular session convened. Council Member Fitzgerald offered a motion to approve amending Section 10-3-46 and adding (at the discretion of City Council) to this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented for Council's consideration an ordinance amending Zoning Ordinance Section 10-3-97 for a first reading. She explained that this is a request to amend the M-1 General Industrial District zoning classification to add another item under the special use permit usage. The American Legion is interested in locating a facility in an industrial classification on Mt. Clinton Pike. She said that when the American Legion presented its request, Planning Commission preferred not to rezone a small piece of property located in the middle of an industrial area. Planning Commission has reviewed the draft language for the ordinance amendment and recommended approval. The ordinance text reads as follows: Section 10-3-97. Uses permitted by special use permit. (9) Religious, education, charitable, or benevolent institutional uses which do not provide housing facilities.

At 8:20 p.m., Mayor Frank closed the regular session temporarily and called the evening's sixth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, April 10, 2001, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public Hearing to consider a proposed amendment to Article R. M-1, General Industrial District, Section 10-3-97. Consider adding the following as a use permitted by special use permit:

Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.

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 these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against amending Section 10-3-97 of the Zoning Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 8:21 p.m., and the regular session convened. Vice-Mayor Peterson offered a motion to approve this amendment to the Zoning Ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by Burg Rental, LLC, for a special use permit (per section 10-3-46 (3) of the Zoning Ordinance). She explained that Burg Rental is located at 558 South Main Street better know as Phibbs, Burkholder, Geisert, & Huffman, LLP (PBGH) accounting firm. PBGH merged with the Harrisonburg office of McGladrey, another accounting firm, and is expanding their existing office space to the top floor of their building. However, with the addition to their gross floor area the Zoning Ordinance Section 10-3-45 (19), states that business or professional offices must have one space for each three hundred (300) square feet of gross floor area. Currently, the accounting firm

has 45 parking spaces and would need an additional 10 parking spaces to accommodate the renovations planned. The nature of PBGH's business is such that much of their work is performed in their clients' offices and a significant number of employees are not on the premises on any given day. The firm would prefer to leave the area for parking as open space for the enjoyment of the neighborhood and their employees. Therefore, they are asking for a special use permit from Section 10-3-46 that allows uses in R-3 to reduce the required parking areas to permit fewer than the required number of parking spaces for professional offices. Phibbs, Burkholder, Geisert, & Huffman has an arrangement with the Baptist Church located across the street to use their parking lot in case all employees are in the office at one time. In return, the Baptist Church is allowed the PBGH parking lot on Sundays and evenings. She said that Planning Commission recommended approval.

At 8:30 p.m., Mayor Frank closed the regular session temporarily and called the evening's seventh public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, April 10, 2001, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Public Hearing to consider a request by Burg Rental, LLC, for a special use permit {per section 10-3-46 (3) of the Zoning Ordinance} to reduce the number of parking spaces required, while providing green space that could be used to place the parking spaces. The area is located at 558 South Main Street.

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 these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this special use permit request.

Greg Geisert one of the owners of the building said that everything had been explained very clearly and he was available to answer questions. There being no others desiring to be heard, the public hearing was declared closed at 8:31 p.m., and the regular session convened. Vice-Mayor Peterson offered a motion to table this request until City Council has a second reading amending Section 10-3-46 (3) of the Zoning Ordinance. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director introduced a request by the American Legion for a special use permit. She explained that this special use permit would allow the location of a benevolent fraternal organization within the M-1 General Industrial District located on Mt. Clinton Pike. The American Legion is interested in purchasing this property for their facility. The site is undeveloped land zoned M-1 General Industrial District. She also reviewed the surrounding property uses in the area. She reviewed the special use stipulations that were added to the request and recommendation: (1) A landscape buffer of 10 feet in width and 100 feet in length from Mt. Clinton Pike along the side property lines consisting of evergreen trees be placed. (2) The special use permit shall remain valid for only the period of time the American Legion occupies the site. If the American Legion leaves the site, the parcel will revert to the current zoning of the area. She said that Planning Commission recommended approval.

At 8:35 p.m., Mayor Frank closed the regular session temporarily and called the evening's eighth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, April 10, 2001, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Public Hearing to consider a request by the American Legion, representative Mr. Philip Updike, for a special use permit {per section 10-3-97 (9) of the Zoning Ordinance} to locate a fraternal organization within the M-1, General Industrial District. The area is located west of the corner of Mt. Clinton Pike and North Liberty Street.

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 these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this special use permit request.

There being no one desiring to be heard, the public hearing was declared closed at 8:36 p.m., and the regular session convened. Vice-Mayor Peterson offered a motion to table this request until City Council has a second reading amending Section 10-3-97 (9) of the Zoning Ordinance. The motion was approved with a unanimous vote of Council.

City Manager Baker presented an overview of the proposed 2001-2002 budget to the City Council. He explained that pursuant to Section 60 of the City's Charter, a balanced budget is presented for the fiscal year ending June 30, 2002. It is suggested that the public hearing and first reading be held on April 24, 2001 and that the final adoption of the budget occur on May 8, 2001. One of the major jobs of the City Manager and his staff is the preparation of the annual budget. The guiding force behind his budget has been staff's continued commitment to the cost efficient delivery of services, to the Principles of Continuous Improvement and to the attainment of Council's goals. The proposed budget's primary goal is to provide the means by which services are delivered to the citizens of Harrisonburg in the most cost-effective manner. The review and adoption of the budget represents one of the Council's most important activities. The City continued to be in a growth situation as evidenced by the latest census figures of 40,468, or a 31.8% growth since the 1990 census. For this time period, the City's population growth ranks first among all independent cities. The proposed budget recognizes the increased demand for services while being sensitive to the need to hold expenditure levels to a minimum. The proposed budget represents a 3.1% increase in net expenditures from the fiscal year 2001 budget as amended (34.4% increase when compared to original 2001 budget), while moving forward toward many of the City's priorities. This budget has been prepared through a conscientious and coordinated effort by all City departments and represents a team approach by City employees. A continued major commitment remains to funding for education, public safety, road, public utilities and the maintenance of existing infrastructure. The proposed budget includes no increases in tax rates. However, the reassessment has increased real property values and the amount of taxes paid has increased in some cases. This budget was developed using the current real estate tax rate of \$.62 per \$100 valuation. Finally, the rate for residential refuse collection is proposed to increase from \$8.30 per month to \$10.00 and for commercial collection from \$15.70 per month to \$17.40 as indicated in the fiscal year 1999-00 budget message, this is due primarily because of the rebuilding of the Resource Recovery Facility. The budget format is similar to prior

years , with detailed explanations by fund and by major function areas in the General Fund. A number of charts and graphs have also been included in order to assist with the explanation of the budget document. The section on performance-based budgeting is again included with the budget document. We will continue to refine the presentation of this budget format in future years. Staff is committed to implementing this management tool that will provide for a better link between the allocation of funds to planned service efforts and accomplishments. Copies of the budget will be available for review in the City's Managers' office and the Massanutten Regional Library. The budget is also on the City's web site. Staff is prepared to review the budget document with Council as directed. Adequate time is available for one or more budget work sessions prior to the public hearing. At the City Council's retreat held in August 2000, Council listed some of the goals that it thought were important for the community. Then it discussed concrete tasks that could be undertaken that would help to achieve the goals. Mr. Baker reviewed the goals established at the 2000 retreat which includes, enhance our economy by cooperating with Rockingham County in economic development and education; maintain a first-rate school system; make downtown Harrisonburg the cultural center of the Shenandoah Valley, maintain public health and safety; develop our future infrastructure of public facilities; have our citizens stay well-informed about their local government; preserve Harrisonburg's historic heritage; maintain an efficient road network; to get and keep good employees; to continue to improve our budget decision process; enhance revenue sources for the City; keep citizens informed by improving City Council's public communication; and maintain an effective system of recreation facilities and programs. The primary emphasis of the budget is placed on education, public safety, roads and public utilities. He said, "I believe every one of these goals is addressed in some way or another." The gross budget for fiscal year 2000-2001 as amended in total net expenditures is approximately \$140 million as proposed for 2001-2002 which is approximately \$145 million or a 3.75% increase. The net expenditure budget excluding transfers for depreciation and amortization is \$109,421,755 for 2000-2001. The proposed net expenditure budget is \$112,576,610 or a 2.88% increase. Approximately four million was cut from departmental requests. General Fund revenues are projected to increase by over \$2.8 million (less transfers from other funds and fund balance). The primary increases (based on the biennial real estate reassessment and growth, not rate increases) will occur in property taxes, business licence taxes, lodging taxes, meal taxes and the new utility consumption taxes. Also, HEC is expected to increase its contribution by \$200,000. The amount of fund balance designated to be used to balance the budget follows the guidelines in the City's Financial Management Policies by matching it with the costs of one-time capital expenditures, while maintaining at least 10% of General Fund expenditures plus an adequate amount for cash flow in undesignated fund balance. This level and type of use of fund balance will maintain the City's financial strength and allow for greater flexibility in dealing with future needs of the City.

lain **NO INCREASE IN TAX RATES IS PROPOSED IN ORDER TO BALANCE THE GENERAL FUND BUDGET!** That fact should indicate the conservative nature of this budget. Harrisonburg continues to compare favorably with real estate and personal property tax rates around the state. According to a 2000 publication by the Weldon Cooper Center for Public Service, the City has the second lowest nominal real estate tax rate among all independent cities. Mr. Baker reviewed the surrounding areas real estate tax rates. On personal property rates for motor vehicles, the City is currently sixth based on an adjusted effective rate among all independent cities as defined by the Weldon Cooper Center for Public Service. Schools represent the largest single expenditure in the City budget (the proposed transfer from the General Fund is 37.5% of the total General Fund expenditures). The proposed appropriation to the School s operating budget is \$21,173,902 in local funds which is a 7.15% increase. Mr. Baker also reviewed the debt service for the schools. The Police Department proposed budget has increased approximately \$1.9 million or a 64.5% in funding during the last five years. Thirteen new police officers have been added to the department during this time period. The Fire Department operating budget has increased significantly primarily due to increased capital outlay expenditures. The Fire Suppression budget includes \$340,000 for the replacement of a front line fire engine which was due for replacement two years ago. The Emergency Operations Center budget includes \$475,000 for a complete upgrade of the E-911 equipment. Since fiscal year 1998, the City has hired 18 additional firefighters. Maintaining the City s infrastructure includes an ongoing widening of Cantrell Avenue, resurfacing nearly 7 miles of City streets, replacing deteriorated sidewalks, replacing various construction equipment, rebuilding the steam plant, constructing a third multipurpose field at Smithland Road, playground equipment replacement, racquetball court renovations, Simms building renovation, purchasing new school buses, western raw water line improvements, eastern water source development, water treatment plant expansion, Smithland Road extension, Blacks Run sewer interceptor, and installing a traffic signal at the intersection of Garbers Church Road and West Market Street.

Vice-Mayor Peterson proposed scheduling a work session with department heads on April 17th at 7:00 p.m.

City Manager Baker presented for Council s consideration a legal services contract relative to bailout from coverage of the Voting Rights Act. This contract would allow the City to seek a bailout from coverage under the special provisions of the Voting Rights Act. City Registrar Long said that any changes that are made in voter registration have to be pre-approved by the Department of Justice which sometimes can take 60 days. Following further discussion and comments, Vice-Mayor Peterson offered a motion that the City retain this attorney to proceed with the bailout from coverage of the Voting Rights Act. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

No - Council Member Fitzgerald

Absent - None

Police Chief Harper presented a brief report on the formation of an Auxiliary Police Unit. This ordinance will establish a 20-member all-volunteer auxiliary police force. Colonel Harper said that it is an investment that will repay the City and offer better service to residents by having trained volunteers doing many of the burdensome tasks being performed by paid officers, such as traffic control. Some of the officers will be trained to accompany regular officers on patrol, while others will assist with administrative duties such as record keeping and dispatch. They will be required to work a minimum of 24 hours per month. Applicants are required to be City residents and will undergo the same training as sworn officers, minus the 12-week police academy program. They also will be required to undergo the same rigorous background checks as any applicant. Initially the auxiliary police officers will ride with sworn officers as part of their training. The goal is to eventually allow the volunteers to patrol on their own. Colonel Harper stressed that as long as applicants are held to the same standards as sworn officers and receive equal training, the benefits to the City are incalculable. Vice-Mayor Peterson offered a motion to enact this ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Absent - None

Council Member Lantz said that the State Game and Inland Fishery has passed a law for a special archery season for hunting deer which will be allowed in municipalities throughout the state. He said unless we opt out then we will have a special archery season for deer hunting in the City of Harrisonburg. He suggested that the Deer Task Force hold a meeting to make a recommendation to City Council whether Harrisonburg will opt out of this law or allow a special hunting season in the City.

Council Member Fitzgerald suggested that an item be placed on the next City Council meeting to discuss guidelines for calling a closed meeting.

Council Member Lantz offered a motion to appoint Mike Collins, to the Environmental Quality Committee, Lester Seal, to the Finance Committee, Roger Baker and Tom Miller, to the General Laws Committee, Kurt Hodgen, to the Human Development & Education Committee, and Reggie Smith, to the Transportation Committee on the Virginia Municipal League policy committees. The motion was approved with a unanimous vote.

Economic Development Director Shull announced that one new business will be locating in Harrisonburg's Technology Park. He said that a local holding company Virginia Technology Incubator has reached an agreement with the City to purchase a 3.55 acre parcel in the City's designated technology area for the purpose of developing one to three facilities to house a number of technology related businesses. Virtual Ventures, Inc. will be developing a privately owned for profit incubator initiative on this property. It is a new concept for Harrisonburg that will enable new and/or small technology businesses to take the critical growth steps necessary to create viability for the business. Mr. Shull also announced that Cyberedge Technologies, an Internet Service Provider (ISP) based in St. Louis, MO opened an office in the City. Cyberedge's mission is to provide quality Internet services at competitive prices to businesses and individuals.

Vice-Mayor Peterson offered a motion that Earl Anderson be appointed to a term on the Central Shenandoah Planning District Commission to expire on June 30, 2004. Mr. Anderson will replace Stacy Turner when her term expires on June 30, 2001. The motion was approved with a unanimous vote of Council.

At 9:40 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussion of matters related to the purchase of real property. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code.

At 10:00 p.m., the closed 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 Council: I 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 10:02 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

APRIL 24, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Police Captain Malcolm Wilfong. Absent: Council Member Hugh J. Lantz and Chief of Police Donald Harper.

Girl Scout Troop #322 from Harrisonburg including Kayleigh Lambert, Emily Sharrer, Elizabeth Hawk, Emily Anderson, Helen Ross, Elizabeth Ross, Kendall Hancock, Kaitlyn Hancock, Megan Alexander, and Rachel Downey delivered the invocation and led everyone in the Pledge of Allegiance. The group also included troop leaders Sherry Anderson and Kathy Hancock.

Human Resource Director Whistleman introduced new City employees: Tom Barner, Linda Byers, Paul Sweeney, Transportation Department; John Campbell, Brent Shifflett, Police Department; Mike Morris, Donald Owens, Public Works Department; and Bill Crapo, Fire Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending Section 10-3-97(9) and Section 10-3-46(3) of the Harrisonburg City Code. The motion also included an ordinance enacting an Auxiliary Police Force. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - Council Member Lantz

City Manager Baker presented the proposed 2001-2002 budget to the City Council. He reiterated that the City continued to be in a growth situation as evidenced by the latest census figures of 40,468 or a 31.8% growth since the 1990 census. The proposed budget includes no increase in tax rates; however, the rate for residential refuse collection is proposed to increase from \$8.30 per month to \$10.00. This budget was developed using the current real estate tax rate of \$.62 per \$100 valuation. Mr. Baker reviewed the goals established at the 2000 retreat which includes, enhance our economy by cooperating with Rockingham County in economic development and education; maintain a first-rate school system; make downtown Harrisonburg the cultural center of the Shenandoah Valley, maintain public health and safety; develop our future infrastructure of public facilities; have our citizens stay well-informed about their local government; preserve Harrisonburg's historic heritage; maintain an efficient road network; to get and keep good employees; to continue to improve our budget decision process; enhance revenue sources for the City; keep citizens informed by improving City Council's public communication; and maintain an effective system of recreation facilities and programs. The proposed budget reflects sensitivity to the need to keep expenditure levels to a minimum as evidenced by the ability to provide current service levels without any tax rate or fee increases in the General Fund. It also reflects a commitment to the City's adopted Mission Statement, Organizational Values, 2000 City Council Retreat goals and Total Quality Management. Primary emphasis of the budget is placed on **EDUCATION, PUBLIC SAFETY, ROADS AND PUBLIC UTILITIES**. Capital outlay expenditures have been reviewed with an attempt not to delay items that would reduce our current service levels or would add greatly to future costs. Most priorities one and two Capital Improvement projects are proposed to be funded. Emphasis is placed on capital outlays in this budget due to the aging infrastructure of the City. No priority three projects are proposed due to funding restraints. In attempting to hold down operating costs, a detailed review was made by all departments to monitor expenditures in a more meaningful way. Reviews of operations continue in order to provide for more coordination between departments in the use of the personnel and equipment. The proposed budget represents a 3.1% increase in net expenditures from the fiscal year 2001 budget as amended (34.4% increase when compared to the original 2001 budget), while moving forward toward many of the City's priorities. General Fund revenues are projected to increase by more than \$2.8 million with primary increases being based on the bi-annual real estate reassessment. Some increases will occur in property taxes, business license taxes, lodging taxes, meal taxes, and the new utility consumption taxes. Also, HEC is expected to increase its contribution by \$200,000. Harrisonburg continues to compare favorably with real estate and personal property tax rates around the state. Mr. Baker reviewed the surrounding areas real estate tax rates. In the General and Financial Administration operating expenditures several of these departments show decreases and only modest increases in most others. The Data Processing budget has increased 40.2% due to an increase in capital outlay expenditures including funding for the upgrade of the Pentamotion software and purchasing Encompass software allowing Planning and Community Development to automate their permitting process. The Board of Elections budget has increased mainly for postage and capital outlay expenditures. Voter cards may need to be mailed out to each registered voter due to redistricting. Also due to budget cuts by the Governor, the registrar will have to start purchasing her own forms that were previously provided by the state. While this will not have a material impact on the City, it is an example of the state government's philosophy of shifting more expenses to the localities. The total Police Department budget has increased 8.3% when compared to the amended fiscal year 2001 budget. The majority of the increase is due to personnel costs. The Police Department Operations budget includes two new Police Officer II's and one supervisor (Sergeant). The two new police officers will provide additional uniformed patrol officers in the field. The new Sergeant will provide additional supervision for the increasing number of new officers that have been hired over the past several years, as well as, oversee the operation of several specialty units. Also, the upgrade of one Investigator to supervisor (Sergeant) will provide a supervisory position within the local Drug Task Force. Funds are also included for a new police auxiliary unit. The Fire Department operating budget has increased significantly primarily due to increased capital outlay expenditures. The City completed its commitment in fiscal year 2001 to implement the National Fire Protection Association Two-In-Two-Out rule that is being enforced by OSHA. Funds are included to provide an additional 2.5% increase for shock trauma technicians and an additional 5% increase for cardiac

technicians. The Fire Suppression budget includes \$340,000 for the replacement of a front line fire engine (Engine 25) which was due for replacement two years ago. Funding is also provided for the installation of a vehicle exhaust emissions system to be installed in two of the City's fire stations at a cost of \$95,000. The Emergency Operations Center budget includes \$475,000 for a complete upgrade of the E-911 equipment. This is necessary due to the change from GTE to Verizon. As with all expenditures of this type, Rockingham County will be responsible for 50 percent of these costs. There is no change to the City/County Jail budget which provides for the cost of court appointed attorneys. Most court related costs are contained under the heading of Joint Operations. Building Inspections shows a funding decrease primarily due to a reduction in capital outlay expenditures. Operating expenditures essentially maintain level funding compared to fiscal year 2001. Animal Control shows mainly level funding compared to fiscal year 2001. The SPCA has asked for an increase of 4% in contributions to the animal shelter. The City is able to save considerable money by not having to operate its own shelter and the request is recommended. The Public Work Division budget shows an increase in general engineering funding primarily due to the implementation of the GIS system. The Public Works Division budgets shows an overall 2.4% decrease in funding for fiscal year 2002 when compared to the amended 2001 budget. This budget also includes funds to continue the City's commitment to an average 15 year resurfacing schedule and a new Transportation Planner to provide a more proactive approach to the City's transportation planning. Other expenses in the budget includes replacing various construction equipment, replacing deteriorated sidewalks, rebuilding curb-gutter-storm drains, a new traffic signal, updating street signs, and repaving Liberty Street from Rock Street to Elizabeth Street. The street lights budget has increased due to increased electricity usage and participation with HEC in painting street light poles. General properties reflects a slight decrease in funding. Capital outlay includes an upgrade electrical service deficiencies in the Municipal Building and paving the parking lot behind the Planning and Community Development offices. The appropriation to the Community Services Board has increased by 19.4% because of an increased caseload. The Parks and Recreation Department budget includes replacing a tractor, roadway and pathway paving, replacing park fencing, tennis and basketball court renovations, racquetball court renovations, playground equipment replacement, comfort station renovation, trail development, playground equipment replacement, constructing a third multipurpose field at Smithland Road, replacing vinyl inflatable slide and installing a computerized chemical controller filter system at Westover Pool. The Planning and Community Development budget includes funding for computer upgrades and a new part-time position for code enforcement during the summer months. This position would provide a more efficient enforcement of junk automobile complaints, weed and grass complaints, and other generalized complaints. The Economic Development budget shows an increase due to personnel and marketing (advertising) costs. Marketing expenditures are increased in order to aggressively recruit businesses for the remaining parcel within the Harrisonburg Technology Park and to continue the City's involvement with the Shenandoah Valley Partnership. Most items that have been funded in previous years are proposed to remain at fiscal year 2001 levels. Two new programs are being proposed to receive funding including the Harrisonburg-Rockingham Free Clinic and the Arts Council of the Valley. Funding for the Harrisonburg-Rockingham Visitors and Convention Bureau is proposed to be increased as an investment towards attracting more tourism dollars. Increased funding is also proposed for the Salvation Army and the Valley Program for the Aging Services. The operating appropriation for the Massanutten Regional Library is proposed to increase approximately 4.2%. The Juvenile Detention Center shows a decrease. It is also proposed that the Central Garage continue to provide labor for the Harrisonburg Rescue Squad's vehicle maintenance and that each Rescue Squad volunteer that is a City resident receive one free auto decal. Joint Operations covers the City's share of judicial, sheriff and jail expenditures and a portion of the Health Department's rent. A major portion of this increase is due to increased staffing at the courthouse. The Harrisonburg Rockingham Social Services District budget reflects an increase due to an increase in personnel because of a significant caseload for child protection care, adult protective care and foster case services. The administrative split will remain at 62% for Rockingham County and 38% for the City. The contribution to the Shenandoah Valley Regional Airport remains unchanged. Reserve for Contingencies is budgeted at \$200,000. This appropriation is for unplanned expenditures. Funds used from this line are transferred to a particular expenditure line item before actually being spent. General Fund debt has increased from \$1,679,709 to \$1,820,042. The increase is primarily due

to the debt service on the Hillandale Park land purchased from Bridgewater College. Maintaining the City's infrastructure includes an ongoing widening of Cantrell Avenue, resurfacing nearly seven miles of City streets, replacing deteriorated sidewalks, replacing various construction equipment, rebuilding the steam plant, constructing a third multipurpose field at Smithland Road, playground equipment replacement, racquetball court renovations, Simms building renovation, purchasing new school buses, western raw water line improvements, eastern water source development, water treatment plant expansion, Stone Spring/Erickson Avenue extension improvements, Burgess Road improvements, East Market Street improvements, Blacks Run sewer interceptor, and a public safety facility. Schools represent the largest single expenditure in the City's budget. The proposed transfer from the General Fund is 37.5% of the total General Fund expenditures. School funding increases for the last ten years have varied from 2.50% in 1997 to a high of 11.94% in 1994. The City's proposed funding represents a 7.1% increase over the current year's funding. This proposed appropriation represents a little over 50% of the estimated new General Fund revenues for 2002. For the City to grant a 7.1% funding increase again speaks loudly as to the priority placed on schools. The City's total projected fiscal year 2002 revenue from all property taxes (real estate and personal), including penalties and interest, is \$17,317,622. The proposed appropriation to the School Division is \$21,173,902. In addition, another \$290,000 is proposed in the Public Transportation budget for the purchase of four new school buses and \$130,000 for two special education school buses. The Water Fund budget has increased 2.4% from the current budget, primarily due to an overall increase in operating expenditures. The Sewer Fund budget has increased 3.0% from the current budget, primarily due to an overall increase in operating expenditure. The operating and new construction contribution to the Harrisonburg-Rockingham Regional Sewer Authority (HRRSA) is expected to increase substantially. The Public Transportation Fund overall budget has decreased 23.3% from fiscal year 2001 budget as amended primarily due to a large reduction in purchases of transit buses. The proposed expenditures in the Sanitation Fund clearly reflect the City's commitment to protecting our environment. It is proposed to improve customer service by picking up recyclables the day after holidays to be consistent with refuse collection. Finally, the rate for residential refuse collection is proposed to increase from \$8.30 per month to \$10.00 and for commercial collection from \$15.70 per month to \$17.40 as indicated in the fiscal year 1999-00 budget message, which is due primarily because of the rebuilding of the Resource Recovery Facility. The Parking Authority Fund shows an increase in expenditures primarily due to increased personnel costs. Construction of the golf course is still being completed. As long as construction remains on schedule, a fall 2001 opening is scheduled. Full play is scheduled for the spring of 2002. Staff has identified the following objectives for the golf course. First, the development of an aggressive marketing plan to ensure maximum use, profitability and the achievement of desired financial objectives. Second, the development of a business plan that will provide affordable golf, golf instruction and increased tourism. Third, maintaining the facility to the highest quality to ensure maximum player enjoyment, challenge and return play. Fourth, developing partnerships with the school systems and local colleges to maximize play during weekdays, provide education opportunities and maximize revenue potential. Finally, working jointly with the First Tee program to provide instructional programs and educational opportunities for all youth. The Central Garage Fund has increased only slightly primarily due to a reduction in capital outlay which is offset somewhat by the addition of a new position. The Central Stores Fund has increased slightly from the current funding level due to capital outlay expenditures. Each department has made a commitment to continuously look for ways to become more cost efficient. The new employees that are being added are necessary to maintain and improve the current service levels. Most departments will continue to operate with the same number of employees as this year. It becomes increasingly important that the City maintain a competitive wage and fringe benefit package in order to attract and retain highly qualified and motivated employees who in many cases are being asked to do more with less.

At 8:33 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 16, 2001.

CITY OF HARRISONBURG, VIRGINIA

PROPOSED BUDGET FOR

FISCAL YEAR ENDED JUNE 30, 2002

For information and fiscal planning purposes only

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 24, 2001 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.

2001-02	2000-01	
As	As	
<u>Revenue-By Funds</u>	<u>Proposed</u>	<u>Amended</u>
General	56,433,194	50,656,527
School	36,195,788	34,146,849
Friendship Industry Grant	-	124,411
General Capital Projects	3,345,000	6,930,468
School Capital Projects	-	5,746,123
Water Capital Projects	1,876,300	3,954,394
Sewer Capital Projects	1,394,600	3,517,100
Public Transportation Capital Projects		479,816
Sanitation Capital Projects	20,881,175	4,160,556
Parking Authority Capital Projects	-	105,087
Golf Course Capital Projects	59,248	4,858,460
Water	5,824,464	5,688,607
Sewer	6,185,631	6,003,711

Public Transportation	3,604,326	4,702,709
Sanitation	7,879,989	8,069,153
Parking Authority	250,380	235,143
Golf Course	818,226	

Central Garage	605,049	599,141
Central Stores Operating	<u>102,408</u>	<u>82,644</u>
Gross	145,455,778	140,060,899
Inter fund transfers	<u>(32,742,473)</u>	<u>(30,095,438)</u>
Net	<u>112,713,305</u>	<u>109,965,461</u>

Expenditures - By Funds

General	56,433,194	50,656,527
School	36,195,788	34,146,849
Friendship Industry Grant	-	124,411
General Capital Projects	3,345,000	6,930,468
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 Inter fund transfers	 <u>(32,742,473)</u>	 <u>(30,095,438)</u>
 Net	 <u>112,713,305</u>	 <u>109,965,461</u>

Copies of the proposed budget in its entirety are available for public review in the City Manager's office, 345 South Main Street; the Massanutten Regional Library, 145 South Main Street and on the City's Internet web site at (<http://www.ci.harrisonburg.va.us>).

Roger D. Baker

City Manager

City of Harrisonburg, Virginia

Mayor Frank called on anyone present desiring to speak either for or against the 2001-2002 budget.

Polly Fravel read the following statement: I am speaking in support of the proposed budget submitted by the Harrisonburg City School Board. As an educator, I see every step of the school budget process from the fall to the spring when it is submitted to you, the Council. Teachers, principals and administrators, Dr. Ford and the school board work diligently on being fiscally responsible in the use of their resources and prudent in the submission of their requests. Everyone analyzes and evaluates their needs, cutting and trimming their list of requests. Many times agonizing over what items are the most needed for the coming year. This results in a bare bones budget, of which you now have before you. Of the \$2,500,000 proposed increase, \$1,100,000 is for operating expenses over which there is no control. These include cost increases in utilities, bus transportation, and insurance premiums. \$1,000,000 is to fund salaries to meet the goal of the school board for teacher salaries to be in the top 25% of the state. I have served on the salary committee for the last three years. After much work, Dr. Ford and the committee have developed a competitive salary scale that helps in attracting and retaining quality educators. But, to remain competitive and reach the benchmarks of salary scales across the state, the committee has recommended a minimum 6% overall increase. Data received last week from the Virginia Education Association shows school systems in the surrounding area proposing salary increases in the range of 4%-7.5%. Elsewhere in Virginia there are proposals of increases of up to 15%. Harrisonburg attracts quality educators because of small class sizes, competitive salaries and attractive benefits. We are proud of our excellent teachers and staff and we want them to remain in our system. We also want new and experienced teachers to continue to be interested in applying for new positions. To decrease the funding of the proposed budget would certainly jeopardize the needed additional personnel positions as well as salary increases. We strongly encourage you to find a way of fully funding the proposed school budget. An investment now will help to maintain the high standard of education that makes us proud to teach in the City of Harrisonburg.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, commended City Council for their past support for the schools. He also reiterated that the School Board had carefully examined the budget eliminating many proposed early childhood programs, proposed positions, supplies and materials before it was presented to City Council. He said, AI believe that not increasing taxes and maintaining the second lowest tax rate among independent cities is something to be proud of, if and only if, we can meet the needs of the students here in Harrisonburg. There being no others desiring to be heard, the public hearing was declared closed at 8:40 p.m., and the regular session reconvened. City Manager Baker said that he was withdrawing his proposal that the budget be adopted tonight (April 24th) until all five Council Members were present to act on the budget.

Police Captain Wilfong presented a request for a Partnership Fair on April 28th at the Harrisonburg Municipal City lot. He said that the Harrisonburg Police Department, in conjunction with students from James Madison University public relations program, will be hosting a Partnership for Prevention Fair on April 28th from 10:00 a.m. until 3:00 p.m. Partnership for Prevention is an effort to offer community members an opportunity to come together to get to know one another, the Police Department and to learn more about how they can better protect themselves and their neighborhoods, specifically through Neighborhood Watch. The fair will provide information booths from community organizations, demonstrations from several police factions, food and music all centered around the theme Safety in Neighbors. Vice-Mayor Peterson offered a motion to approve this request. The motion was approved with a unanimous vote of Council Members present.

Vice-Mayor Peterson offered a motion to table a request from the Downtown Retail Merchants Association until the next meeting. City Council requested that a representative be present to answer questions concerning the request for more space for the Annual Cruise In and Craft Show. The motion was approved with a unanimous vote of Council Members present.

City Manager Baker presented for Council's consideration a request by the American Legion for a special use permit. He said that a public hearing was held on April 10th and Planning Commission recommended approving this special use permit. The special use permit would allow the location of a benevolent fraternal organization within the M-1 General Industrial District located on Mt. Clinton Pike. This request was tabled at the April 10th meeting until a second reading could be held amending Section 10-3-97 (9) of the Zoning Ordinance. Since the second reading was held tonight (April 24th), Vice-Mayor Peterson offered a motion to approve this special use permit. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - Council Member Lantz

City Manager Baker presented for Council's consideration a request by Burg Rental, LLC, for a special use permit. He said that a public hearing was held on April 10th and Planning Commission recommended approving the special use permit. However, the request was tabled until a second reading is held amending Section 10-3-46 (3) of the Zoning Ordinance. Since the second reading was held tonight (April 24th), Vice-Mayor Peterson offered a motion to approve this special use permit. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - Council Member Lantz

Council Member Fitzgerald said that he was concerned that City Council has become lax in letting the conversation drift once in closed session. He proposed four principles in support of limiting and managing closed sessions. 1) Council will discuss topics in closed session only if the topics meet the strictest interpretation of the Virginia Freedom of Information Act, and only if an over-riding necessity exists for closing the meeting. 2) The City Manager or his designee will, where possible, inform the Council in advance of the general reasons for a closed session. 3) Once a topic has been raised in closed session, Council Members agree not to discuss the topic publicly until it has been brought up in open session. 4) Discuss nothing after a closed session (except to make uncontested and non-controversial appointment). If a topic arises that requires discussion, put it on the agenda for the next meeting. Mr. Fitzgerald said he didn't find any fault in the way staff has handled requests for closed session; however, these guidelines would help Council better conform to Virginia's Freedom of Information Act. He said it is primarily a case of Council needing a level of discipline on the Freedom of Information Act. Following further discussion and comments, Council Member Fitzgerald offered a motion to adopt these four guiding principles on managing the closed session. The motion was approved with a unanimous vote of Council Members present.

City Attorney Miller commented that this Council has never taken any action in closed session that was outside the boundary. Since this Council has been in session the law has been adhered to and if topics have gone astray, it has quickly been brought back to the subject. He also pointed out that no action has ever been taken in closed session.

Director of Public Works Baker presented a request for a supplemental appropriation. He explained that Eastern Mennonite University reimbursed the City monies for construction of the Park Road project. Mr. Baker also said that these funds will be used for the North Main Street bridge replacement project since the bids received were higher than expected. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$150,000 chge. to: 1310-31906 Reimburse Street Construction

\$150,000 approp. to: 1310-910141-48615 North Main Street Bridge - Blacks Run

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Craft House. He explained that these funds would be used to purchase the Craft House from the Harrisonburg Redevelopment and Housing Authority. The City will pay the HRHA \$329,000 for the Craft House, then the HRHA will reimburse the City for 20% of the purchase price. The City will apply for an ISTEA grant for 80% of the purchase price. The net result will be that the purchase will cost the City nothing. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$263,200 chge. to: 1000-33527 ISTEA Grant

65,800 chge. to: 1000-31802 Reimbursement from HRHA

\$329,000 approp. to: 1000-810521-48281 Buildings and Grounds

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - Council Member Lantz

City Manager Baker presented a request to transfer funds in Public Transportation. He explained that these funds would be transferred from the Public Transportation Fund to Public Transportation Capital Projects Fund. This money will be used to complete the construction at the Public Transportation building.

Vice-Mayor Peterson offered a motion to transfer these funds.

\$20,000 chge. to: 2013-872081-48131 Radio equipment

5,100 chge. to: 2013-872081-48254 School buses

\$25,100 approp. to: 2013-892081-49216 Transfer to Transportation Capital Projects

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - Council Member Lantz

Director of Public Utilities Collins presented a request to transfer sewer funds. He explained that these funds will close out the Capital Project North Industrial Park Sewer and will be transferred to Capital Project Sewermain Upgrade. These funds will upgrade existing sanitary sewermain which are designated high maintenance or have experienced multiple blockages causing sewer backups into customer's dwellings. Council Member Rogers offered a motion to transfer these funds.

\$11,265.62 chge. to: 1322-911161-48652 North Harrisonburg Industrial Park Sewer

\$112,265.62 approp. to: 1322-911161-48651 Upgrade Sewer mains

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - Council Member Lantz

Leonard VanWyk encouraged City Council not to cut the Transportation Planner's position out of the budget. He said, "A group consisting of Jim Baker, Tom Austin, Stacy Turner, Bill Blessing and myself met with Charlottesville's Transportation Planner to discuss and determine whether an outside consultant was needed to consult a transportation study of Harrisonburg. The entire group thought it would be a better idea to use the funds to hire a full-time Transportation Planner on staff to coordinate over time the various issues concerning transportation in Harrisonburg. He emphasized that if the City had a Transportation Planner ten years ago, the transportation system today would be far more sophisticated, smoother, and more friendly to bicyclists and pedestrians."

Naomi Curry invited City Council Members and anyone City Manager Baker would be appointing to a committee to determine the use of the Simms School building to attend a workshop on Saturday, May 12th. The workshop will allow people to provide input into the plans for the building.

City Manager Baker announced that the 2001 Fundfest concert series will kick off on May 2nd and end on August 22nd. Fundfest is entering its seventh year featuring music and food while raising money for local charities.

City Manager Baker noted that School Superintendent Ford had to notify occupants using the Simms building that as of August 31st the School Board would no longer be control of the building. Mr. Baker said that he has been explaining to occupants of the building that the City has no desire to ask anybody to move September 1st.

At 9:35 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion of matters related to the purchase of real property. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code. In addition, Vice-Mayor Peterson moved for a closed session for the purpose of discussion of appointment to the Community Services Board. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code.

At 10:00 p.m., the closed 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 Council: I 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Fitzgerald offered a motion that Laura H. Zarrugh, 656 Wyndham Woods Circle, be appointed to a first term on the Community Services (Chapter 10) Board to expire on July 1, 2004. The motion was approved with a unanimous vote of Council Members present.

At 10:02 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

SPECIAL MEETING

MAY 1, 2001

At a special meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr.; Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Mayor Frank called the meeting to order.

At 7:39 p.m., closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 23, 2001.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, May 1, 2001, at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed amendment to the fiscal year 2000-01 budget. The amendment provides for supplemental appropriations to the City's School Capital Projects Fund in the amount of \$775,870.47, the School fund in the amount of \$326,322.00, the General Capital Projects (Bridges) Fund in the amount of \$220,000, and the Water Capital Fund in the amount of \$100,000.00. The proposed uses of these funds are as follows:

\$775,870.47 - for completion of renovations to Spotswood and Waterman Elementary Schools.

\$326,322.00 - from carryover funds for the Title I reading program and for the purchase of additional food service equipment and supplies associated with the elementary school renovations.

\$220,000.00 - for North Main Street Bridge Replacement Project.

\$100,000.00 - for watermain upgrades associated with the North Main Street Bridge Replacement Project.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against approving increasing the fiscal year 2000-01 budget. There being no one desiring to be heard, the public hearing was closed at 7:39 p.m. and the special session reconvened.

Vice-Mayor Peterson offered a motion to approve a supplemental appropriation for the School Board for renovations to Spotswood and Waterman Elementary Schools for a first reading.

\$ 13,764.11 chge. to: 1311-31010 Amount from Fund Balance
 212,106.35 chge. to: 1311-31513 Investment Earnings
 \$225,870.47 approp. to: 1311-111114-48690 Repairs to elementary schools

\$550,000.00 chge. to: 1111-31010 Amount from fund balance
 \$550,000.00 approp. to: 1111-111114-49225 Transfer to School Capital Projects

\$550,000.00 chge. to: 1311-34215 Transfer from School Fund
 \$550,000.00 approp. to: 1311-111114-48690 Repairs to elementary schools

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent: None

Vice-Mayor Peterson offered a motion to approve a supplemental appropriation for the School Board (Title 1 Reading Program) for a first reading.

\$103,896.00 chge. to: 1111-33301 School Revenue - Federal
 222,726.00 chge. to: 1111-31691 School Revenue - Other Funds

\$ 13,831.00 approp. to: 1111-111114-40610 Instruction
 312,791.00 approp. to: 1111-111114-40650 School Food Service

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent: None

✓ Council Member Fitzgerald offered a motion to approve a supplemental appropriation for Public Utilities Department (North Main Street bridges) for a first reading.

\$100,000.00 chge. to: 1321-34220 Transfer from Water Fund

\$100,000.00 approp. to: 1321-910161-48635 Watermain Upgrades

\$100,000.00 chge. to: 2011-31010 Amount from Fund Balance

\$100,000.00 approp. to: 2011-392061-49216 Transfer to Capital Projects

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

Absent: None

✓ Vice-Mayor Peterson offered a motion to approve a supplemental appropriation for Public Works (North Main Street bridges) for a first reading.

\$220,000.00 chge. to: 1000-31010 Amount from Fund Balance

\$220,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$220,000.00 chge. to: 1310-34210 Transfer from General Fund

\$220,000.00 approp. to: 1310-910141-48615 North Main Street Bridge - Blacks Run

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

Absent: None

At 7:42 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan Cmelmea
CLERK

Carolyn W. Frank
MAYOR

REGULAR MEETING

MAY 8, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne ABonnie@ Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes of April 24 and May 1 City Council meetings, and the second reading of supplemental appropriations for the School Board and Public Works Department. The motion also included a supplemental appropriation for the Public Utilities Department and the Craft House. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by First Bank & Trust Company to vacate a total of 21,656 sq. ft. of street right-of-way that runs east west parallel with South High Street. She explained that City Council held a public hearing on April 10, 2001. At that public hearing the request included closing part of an old street right-of- way and purchasing a City owned parcel; however, it was discovered that the triangle is not excess property belonging to the City, but the triangle parcel is all right-of-way. Planning Commission reviewed the request again and has recommended vacating and closing

this portion of the street right-of-way.

At 7:37 p.m., Mayor Frank 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 23, and Monday, April 30, 2001.

NOTICE OF CLOSING A PORTION

OF OLD SOUTH HIGH STREET

SOUTH OF CANTRELL AVENUE

The Harrisonburg City Council will hold a public hearing on Tuesday, May 8, 2001, 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of First Bank & Trust Company to vacate a 17,601 sq. ft. street that runs east west parallel with South High Street and vacate 4,055 sq. ft. of South High Street.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

J.R. Copper representing the applicant explained that he was present to answer any question. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve vacating a total of 21,656 sq. ft. of street right-of-way for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by the Harrisonburg Rescue Squad, Inc., to change the proffers for tax map parcel 15-M-9, R-3, Multiple Dwelling Residential (conditional) zoning. She explained that the parcel is located at 983 Reservoir Street. The Harrisonburg Rescue Squad wishes to relocate to the now vacant Old Dominion Business School building and is requesting to change certain proffers on the southwestern property parcel that is zoned R-3 conditional. The Rescue Squad is permitted within the R-3 zoning classification as a charitable and benevolent use. These uses are permitted by the previous proffers and the current zoning of this property. Mrs. Turner stated that the Comprehensive Plan's Land Use Guide classifies the area as professional. This designation states that these areas are suitable for commercial development, but need careful controls to ensure compatibility with adjacent land uses. She reviewed the surrounding zoning uses. The history of the property began in December of 1989, when Lawson Associates requested to rezone a 7.29 acre tract of land at the corner of Cantrell Avenue and Reservoir Street from R-2, Residential District to R-3, Multiple Dwelling Residential District conditional and B-2, General Business District conditional. The applicant proffered to have many conditions placed on the development of the property. These proffers were 1) A large buffer zone between property and the residences on Mountain View Drive. 2) Permitting the construction of 42 condominiums with constraints to occupancy. 3) No access off Cantrell Avenue. 4) Limits on the size of the building to be built on the property designated as a school building. 5) Restrictions on uses and hours of operation within the B-2 district. The request was approved and the Old Dominion Business School was built, but has since closed and the building is now vacant. In addition, the Valley Microcomputers facility was built within the B-2 conditionally zoned properties. However, before the CVS Pharmacy was built the property owners requested to extend the hours of operation from 9:00 p.m. closing to 11:00 p.m. closing, which was approved in December of 1999. The Rescue Squad is requesting approval to increase the square footage of the building and create a new entrance onto Cantrell Avenue. In addition, the applicant is adding a new proffer for lighting that would alleviate illumination of any surrounding residential properties. Staff has some concerns that a larger building may increase traffic to the site, regardless of whether the Rescue Squad owns and occupies it, or some other use occupies the site. This may lead to a desire for lighting or more parking area, both of which could be an adverse impact to the adjacent neighborhood. The addition of a proffer to have all outside lighting project directly down and not intrude past the site boundaries by 0.5-foot candles will decrease the effects of placing the lighting. If the changes to the proffers were not approved, the Rescue Squad could renovate this existing building there going up to the 12,000 square foot maximum size limitation and could also do it by utilizing only the access off of Reservoir Street. However, the Rescue Squad is interested in increasing the size of the building to allow for additional bays to be built onto the building. If the proffers for an entrance along Cantrell Avenue is approved, a completed design plan showing profile and cross-sectional grades must be provided for review and approval to City standards before any construction. In addition, any access onto Cantrell Avenue may be limited to exit only into the southbound lane. Finally, after further consideration, staff felt that the proffer for no residential use should not be stricken from the proffers from this property. Mrs. Turner said that surrounding residents had expressed concerns about the proffers. Staff has notified the current owner of the property and the local real estate agent and expressed to them that not all of the proffers that had been placed on the property had been met. These proffers include the vegetative buffer, additional tree planting, and additional fencing. Planning Commission voted 5-2 for the motion to recommend approval of the proffer changes. In addition, they also recommended looking at the idea of modifying the traffic light at Cantrell Avenue and Reservoir Street, so that it could be changed to all red whenever an emergency vehicle approached.

At 7:45 p.m., Mayor Frank 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, April 23, and Monday, April 30, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, May 8, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING

Public hearing to consider a request by Harrisonburg Rescue Squad, Inc., to change the proffers for tax map parcel 15-M-9, R-3, Multiple Dwelling Residential District (conditional) zoning. The parcel is located at 983 Reservoir Street.

The Comprehensive Plan's Land Use Guide classifies the area as Professional. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. In addition, the Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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 these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at 432-7701 at least five days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this request by the Harrisonburg Rescue Squad.

Brian Moore said that he is President of the Harrisonburg Rescue Squad and lives at 75 Wilson Avenue. He said many volunteers were present in support of the Rescue Squad request for the change in two proffers on the property of the former Old Dominion Business School. The purpose of tonight's request should not be clouded by non-related issues or the expected success or failure of the Harrisonburg Rescue Squad to raise the required funding. The mission for the Harrisonburg Rescue Squad is not a political one. It is a personal one, saving the lives and improving the health of the citizens of Harrisonburg. The Harrisonburg Rescue Squad began its search for a building more than two years ago. He said, AWe have investigated numerous locations and attempted to locate the squad in areas farthest away from any possible residential areas, but were unsuccessful for various reasons. The location of this property suits the squad best. The property had to meet several qualifications including being located in an area providing access to the primary roads of the City, located in an area central to the highest call volume, located in an area that is central to the membership base, and have plenty of room for equipment and parking. This property fulfills each of these qualifications. It is located next to Cantrell Avenue which is a highly utilized street for both personal and business traffic. Cantrell Avenue gives the squad access to all of the major streets. According to personnel responsible for the emergency operation center, 28% more calls are run in the area of the property than any other single area of the City. With this large percentage of calls, this is a logical place for the station to sit because the nearer the squad is to patients the less the response time. The Harrisonburg Rescue Squad currently has over 90 members on the active roster of which approximately 65% of the membership are James Madison University students. Because of this fact of life, we are obligated to remain central to our membership base. The squad encourages JMU members to sign up as freshman because they will be able to volunteer for four years. Freshman are not allowed to have cars at JMU so they rely on public transportation, bicycling and walking. He said that, AIf we expect our members to come to the station on a regular basis, it must be easy for them to get to, and being near JMU will accomplish this.@ This property is large enough to accommodate the proposed building and still have plenty of parking space left over. It is our intent to build for the future, not just ten years, but for more than 25 years. If these proffers are approved, we would be able to build a station that will accommodate our needs. We would not have to just get by with what we have. An important question that needs to be answered is, if the rescue squad was not granted these changes in the proffers would it keep the squad from purchasing the property and making additions to the current building, and the answer is no. The Harrisonburg Rescue Squad can purchase the property tomorrow and move right in leaving our ambulances out in the parking lot. The existing proffers do no prevent the rescue squad from relocating to this property, but they simply limit our ability to utilize the property to the fullest extent possible. With the growth of Harrisonburg at a staggering 33% increase from 1990 to 1999, the number of calls the squad has responded to has increased. The increase in calls requires more vehicles and volunteers. Currently, the Harrisonburg Rescue Squad owns: five advanced life support ambulances, one heavy rescue truck used to carry the Jaws-of-Life and similar extrication equipment, one technical rescue truck used for dive rescues, cave rescues and ground searches, four auxiliary emergency response vehicles, on Zodiac River rescue boat, and a first aid trailer. Currently, they have one ambulance, all four auxiliary emergency response vehicles, and the first aid trailer stored outside exposed to the elements. The Zodiac River rescue boat that may have been seen on television recently is being housed at a rental unit at their cost, off-site. They have simply out grown their current home that the City has provided for more than 30 years. They live in an old trailer located at the edge of the parking lot. This trailer is more than 20 years old and is in terrible physical condition. Many times, they are unable to provide sleeping accommodations for their own volunteers, while they are at the station. There is no room to build additional housing at the current site. He said that the Planning Commission addressed one major concern with building an additional exit onto Cantrell Avenue. The suggested proposal of having either a manual switch installed inside the station that would transfer all lights to red or the installation of a system that would automatically transfer the lights to green from which ever direction the ambulance was coming satisfied most of the concerns of the commission. Since the City plans to expand Cantrell Avenue into four lanes to Ott Street, it appears that the Harrisonburg Rescue Squad has recognized that this street is one that contains enough traffic that four lanes are warranted. This indicates that the street is more commercial than residential. Cantrell Avenue contains primary fast food restaurants,

offices, businesses, churches and the hospital. The second proffer request will allow us to build our station to comfortably hold the equivalent in membership that we will have for the coming years. We are allowed to build up to 12,000 square feet under the current restrictions and what we are proposing to build would be around 18,000 square feet. It would all be one story with lighting directed straight at the ground. Pole lights will be avoided, but if they must be used at the CVS side of the property they will be as short as possible to prevent light shining into a neighbor's home or business. Brian Moore also said that the rescue squad has agreed orally to pay \$840,750 for the Old Dominion School property. The Planning Commission recommended approving these requests and he urged City Council to approve these proffers.

Carson AMickey@ Moore, a resident living at 493 Virginia Avenue, said he has seen a lot of changes in the City. Change has occurred all over the City and we can't go back. We must deal with change. He said, I don't think we could have a better neighbor than the rescue squad and the many volunteers helping us in the City.@ He encouraged supporting this site for the rescue squad.

Tammy Barnhard stated that she is a cardiac tech in the Harrisonburg Rescue Squad; professionally she is an emergency room nurse at Rockingham Memorial Hospital. She joined the squad in December of 1984, when she was 19 years old. Although the active membership, rescue calls, and equipments have grown, their living quarters and storage area has not. Their living quarters is a 1979 single wide mobile home with six beds. After more than twenty years of wear and tear, it is falling apart. When most of you are asleep or enjoying time with your family, the Harrisonburg Rescue Squad members are at headquarters 24 hours a day volunteering their time. This includes good weather, bad weather, during snow storms and busy times where they have had up to 25 members sleeping the six beds, with the rest on sofas, chairs, and the majority of their members on the floor. Everyone agrees that the squad should have a suitable place to accommodate sleeping, equipment supplies and training classrooms, but no one has come up with a better location than the Old Dominion Business school. The location of this building is a key because besides being near the interstate, it is near RMH where all of the patients are transported. It is also located near JMU. She said that the Harrisonburg Rescue Squad had made bids for several other locations, but were unsuccessful. If you support the squad, then you have to trust that we have considered every lot, avenue, and building in the City that we know to be available. For the good of the whole City and to continue the volunteer work of the Harrisonburg Rescue Squad she encouraged City Council to follow the direction of the Planning Commission and approve the lifting of these two proffers.

Bucky Berry living in Dayton said that the Harrisonburg Rescue Squad had saved his mother's life seven years ago when she was in a diabetic coma. He encouraged City Council to support this proposal.

Don Kuhns, a resident living at 528 Mountain View Drive, said he has lived in the Preston Heights neighborhood for 22 years and was involved in the original agreement and negotiation of proffers. The agreement with Lawson's Associates was made in good conscience and even though the property owner did not do everything that they were required to do, the City has made the property owner honor the original proffers. The City should have enforced the original proffers or revoked the zoning. He said, AI feel that approving these proffers would be a breach of an agreement made with the neighbors in good faith if these proffers are changed.@

David Larkins, a resident living at 536 Mountain View Drive, said that the back of his property adjoins the back of the vacant school property and it is easily visible from his house. He said that he was concerned about the noise from the squad having only lived in the house for two months. He said that if he had known two months ago there was a possibility they would have an organization other than a school located on the property, he would not have bought the house. He said that he was told something similar to the school would be located on the property. The noise and the constant activity and lights 24 hours a day are concerns. Another concern is that people will be sleeping in the building while they are there. They are all volunteers, but when do they start the day, is it at 8:00 a.m. in the morning or are the volunteers there 24 hours a day including sleeping in the building. This could add to the number of people that are going to be in this facility and it would be 24 hours a day.

Pat Adams, a resident living at 532 Mountain View Drive, said that she was concerned about the traffic and noise the squad would create in the area. She questioned why the squad couldn't relocate to the area behind the Valley Mall. She said, Our neighborhood is one of the most established, cohesive, and tranquil neighborhoods in the City. When the school was located on the site, she said she could hear many conversations from the students from her back porch. She said that she would like to know why the squad had turned down other locations in the City.

Bob Stieber, a resident living at 535 Mountain View Drive, said that he has a clear view of the vacant school building and the deck. He said, AI agree that the rescue squad is a great organization and needs a satisfactory location.@ He said that he had asked the Planning Commission to find another location for the rescue squad other than Cantrell Avenue and Reservoir Street. AI don't think the Planning Commission seriously looked into alternative locations and apparently accepted the squads' statement that they had exhausted all possible options during the two-year search. What is the next thing to change? When will it stop? Are rights are being chipped away.@ The noise of the sirens will have a negative impact on my family. He asked City Council not to approve the changes in the proffers.

Ralph Geddes, a resident living at 395 Franklin Street, said that something will face this City if I-81 is widened.

Mayor Carolyn Frank said that she lives at 374 South Carlton Street. Most of the people speaking against changing these proffers are her neighbors.

Mayor Frank asked Brian Moore if he would like to respond to any issues raised during the public hearing.

Brain Moore said that the proffer of 5.0 foot candles will decrease the lights impacting the surrounding community with any light problems. He said that he could sit in the parking lot now and hear more than 10 sirens a day because Cantrell Avenue is a frequently used intersection by emergency vehicles. He reviewed the current calls per day the rescue squad has now. He also said that the Harrisonburg Rescue Squad has looked at many lots in the City and could not find a more suitable site than the school property.

Martha Larkins, a resident living at 536 Mountain View Drive, questioned the many sirens that now are on Cantrell Avenue. She said that sometimes there are 10 sirens in 10 minutes coming from many locations in Rockingham County. She questioned who would determine which vehicle is the most urgent at a red light to stop all other traffic.

City Manager Baker commented that a three-acre site on Central Avenue was offered to the rescue squad about 10 years ago and it is still available.

Tammy Barnhard said that the rescue squad had reviewed that site; however, they did not want to be in a situation where they could be blocked by two trains.

There being no others desiring to be heard, the public hearing was declared closed at 8:30 p.m., and the regular session reconvened.

City Attorney Miller asked Mayor Frank if she could make an objective decision not based on her own interest in the property, but in the interest of the community as a whole. Mayor Frank answered yes.

Council Member Rogers said, We need to think outside the box.@ He suggested that Council be prepared to give appropriate financial assistance for the best possible solution. He also said that as a citizen, it gives him a good feeling to have the Fire Department in different locations of the City. Maybe the citizens of the City would be better protected if the rescue squad had several locations in the City. He said, AI also have a concern when the City Manager had to inquire about how much space was needed for the facility. I believe we have a communication problem. There hasn't been enough discussion at the City staff level. We need to get our Economic Development Director Brian Shull involved with the squad for the best property.@

Council Member Lantz said, AI have spoken with Brian Shull and there isn't anybody in the City that knows more about vacant property or buildings than he does. I talked to Brian yesterday and he suggested several other options that might have possibilities and not hurt a neighborhood. Sometimes the rescue squad will have inconveniences no matter where they are located. The rescue squad provides a valuable service to the City, but what is the best location for the rescue squad and the City? Mr. Lantz said, In the seven years I have been on Council, I honestly didn't know the rescue squad was looking for a new location. He suggested that everyone needed to get involved including Planning Commission, Stacy Turner, and Brian Shull to make sure we are doing the right thing long term for the City and the rescue squad.

Vice-Mayor Peterson said that he agreed with Council Members Rogers and Lantz and suggested 30 days to conduct an inventory of available property in the City.

Council Member Rogers offered a motion to table this request until June 12th and directed City Manager Baker to form a committee including Brian Shull and Brian Moore and others to bring a recommendation to City Council June 12th meeting. The motion also included that staff would provide engineering support if needed. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to rezone property located on the southern portion of the 100 and 200 blocks of Port Republic Road and 1310 Crawford Avenue. Mrs. Turner explained that after the advertisement for City Council's public hearing had appeared in the newspaper, a letter was submitted requesting that Eleanor Price's property at 1310 Crawford Avenue had been withdrawn. This is a request to consider rezoning these seven tax map parcels from R-1 Single-Family Residential District to R-2 Residential District. The Comprehensive Plan's Land Use Guide classifies the area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of one to four units per acre. Low-density sections are found mainly in well established neighborhoods. The low-density residential areas are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership. Mrs. Turner also reviewed the surrounding uses in the area. The Zoning Ordinance states that R-1, Single-Family Residential Districts are intended for low-density, relatively spacious single-family residential development, with single-family lots of 10,000 sq. ft. minimum. The R-2, Residential District is intended for medium-density, single-family and two-family residential development, with lots of single-family at 7,000 sq. ft. minimum and two-family at 5,500 sq. ft. per unit. The proposed change to R-2 promotes a higher density than allowed in the R-1 district with the additional use of two-family dwelling units. In addition, the request could have a negative impact on the single-family homes to the South of these properties, with increased density of more housing units and the possibility of request for special use permits for four persons per unit. Currently, there are many homes along Port Republic Road and other highly traveled areas which still have single-family homes. Five of the eight properties have the potential to contain duplexes, due to either current configurations (11,000 square feet or more) or through future lot line adjustments. As such, there is also the potential for increased traffic entering and existing onto Port Republic Road, which is already heavily traveled. At the time of the Planning Commission meeting, the applicant proffered that when a building permit was obtained to add bedrooms to any of these existing structures or when a new structure would be erected, they would agree to plant trees or shrubs along the boundaries of the R-1 and R-2 to buffer the R-1 areas. City staff was concerned about the impact this would have on the surrounding neighborhood and the precedent it could set for further uses along Port Republic Road and recommended that it not be approved. Planning Commission held a public hearing and also recommended denying the request.

At 8:55 p.m., Mayor Frank 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, April 23, and Monday, April 30, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, May 8, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING

Public hearing to consider a request by property owners: Marshall Hiatt, Anthony Harpine, Loretta McCauley, Mark Paul, Marshall Price, and Eleanor Price; with representative Mr. Steven Blatt; to rezone 11-K-5 & 5A and 11-O-1 through 6 tax map parcels from R-1, Single-Family Residential District to R-2, Residential District. The sites are located in southern portion of the 100 and 200 blocks of Port Republic Road and 1310 Crawford Avenue.

The Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum. The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq.ft/unit.

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 these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at 432-7701 at least five days prior to the date of the meeting.

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

Steven Blatt representing the applicants read the following letter from Loretta J. Crislip (formerly Loretta P. McCauley) who could not attend the public hearing.

First of all I would like to express my regrets that I was unable to attend this meeting of the Council. I would also like to thank Mr. Blatt, for taking the time to read this for you in my absence. I feel it is very important that my works be heard publicly.

Believe me, no one is more understanding of your views than I am. Twenty years ago, I would have been standing among those opposing this rezoning. You don't have any idea how much I wish I could be among you now. But, 20 years of progress have taken its toll. No matter how much I would like still be a part of your wonderful neighborhood, I cannot be. Port Republic Road, which was then a two lane road has become a four lane major highway where ambulances, police cars and fire trucks travel, at all hours of the day and night. Twenty years ago there was no Greek row and JMU had not nearly as many students. My neighbors were wonderful families most with children. It was a great place to raise my daughter. But things have changed. My property is now rental property, because I could no longer stand to live there. I was forced to give up a house that was paid for and move into one with a 30 year mortgage. Because my property acts as somewhat of a barrier, you probably don't have the street lights or Godwin Stadium lights shining in your bedroom windows, you can probably leave your windows open for air and not be kept awake by the traffic, the sirens, the students or the stadium speaker system. Your children can probably play in your front yard. I don't even have a front yard anymore. Again, progress took it, along with the two big maple trees I once had to shade the front of the house and help keep it cool.

And if all this isn't bad enough, VDOT has identified it, as property to be condemned when I-81 is widened. As you can see my property has become property with little value. I along with most of the others here are not asking to build duplexes or change our property in any way, just permission to use the third bedroom that already exists.

Please realize, we did not ask for these changes, nor did we want them. We had no choice in the matter. No matter how much I would things to be the way they were, there is no way to change them back. My property is now acting as a light and sound barrier, separating and protecting yours from this awful thing called progress.

Please try to accept what has happened and allow those of us, it has happened to, to make the best use of this somewhat useless property. Again, thank you for at least listening to me and please, vote to rezone so we can at least make the most of a bad situation. Thank you.

Steven Blatt said that the Comprehensive Plan is a guide for change which unfortunately when the plan was written no one could anticipate what Port Republic Road has now become. He said, AI can remember when the only reason to use Port Republic Road was to go to Howard Johnson. Now the street is a high density magnet because of a tremendous concentration of student housing across the interstate.@ Because of the widening of Port Republic Road has resulted in a dramatic change in circumstances to these properties. That is the basis of the genesis and the request for rezoning. Conditions have changed for a portion of this subdivision and is reflected with this requested zoning change. He also said that the City has a shortage of single family housing and you don't want blight coming into a neighborhood. He suggested that if the City wanted to do something for this neighborhood put a cul-de-sac in to stop Crawford Avenue from being a through street. Because of the circumstances, Mr. Blatt requested that these properties be rezoned so that they can be used to their highest and best use.

Marshall Hiatt said that he lives in Winchester, but does own two of the lots being discussed tonight. He said Purcell Park is a beautiful area and he does not want it to be rezoned. The properties on Port Republic Road are not R-1 zoned. The Purcell Park area is a quiet residential area and the residents do not front onto the second busiest street in the City.

Eula Eppard, a resident of 135 Port Republic Road, said that she didn't understand that it took so much to run a City. She also was impressed that the meeting was opened with a prayer. She said that she has actively supported the rescue squad and the fire department. She said, I do not want duplex housing next to my house. My fear is that it will become a transition to R-3. We all know what that means, students housing or professional offices. My fear is that they intend to rezone to R-3 within the next several years. This will create a financial impact on the value of my property. She asked Council to consider what the impact will be on the neighborhood and deny the rezoning.

Jeff Landis, a resident of 59 East Weaver Avenue, said that his wife and he have lived in the Purcell Park neighborhood for more than 20 years now and have raised their four children there. They love their neighborhood. It is uniquely situated between a very attractive university campus and the beautiful Purcell Park, where their kids played at the Kid Castle. They have played in little leagues and midget football and older folks walk their dogs or selves around the park and sit by the pond. It is a remarkable neighborhood. He said with absolute confidence that he is adamantly opposed to any zoning changes that might undermine or adversely affect the integrity of the neighborhood. He said, We do not want any more traffic, any more trash, more noise, no more parking problems and do not want their property values lowered.@ The neighborhood has come together historically in times of crisis. Mr. Landis asked for a show of hands that might concur and agree with his comments from the audience and several people raised their hands.

Cathy Brookshire, a resident of 32 Monument Avenue, said she hears sirens all times of the day and at night. Also, any time the wind is blowing in the right direction, she can hear noise from I-81. She does live one block from Main Street and has watched Main Street grow in the 12 years since they moved here. Port Republic Road is a busy dangerous road and high density housing will not alleviate that problem. She requested that Council vote against this rezoning.

Bill Wholem, a resident of 25 Port Republic Road, said that he came from the Northern Virginia area and noted that 57 years ago the Northern Virginia area was a nice place. During that time the inner City decayed and crime came with it. He said, AI wanted to find a City that still had a core and in the future would be a good place to live and decided that Harrisonburg was just the right place.@ He said that he can get anywhere in the City by bus, use his feet or his car. He said he opposed the rezoning.

Margaret O. Brien, a resident of 110 East Weaver Avenue, said that she moved to Harrisonburg from Pasadena, California to take a pastorate at Community Mennonite Church. She purposefully looked for a home in a nice neighborhood with a big front porch, so that she could get to know her neighbors and be involved in the neighborhood. She also said that she wanted to live in a well-established neighborhood. She had a lot of concern when she looked at the house, having moved from California, and knowing what medium and high density neighborhoods feel like. She wanted to make sure her home would not be close to homes that had noise, traffic, and crime problems. That was a great concern to her. She understands the concern and the desire to benefit financially, by the persons living on Port Republic Road, because of their situation, but she does not think that should be at the expense of the rest of the neighborhood's standard of living. Thank you very much.

Majorie Christianson, a resident of 46 Monument Avenue, said that when people approach Harrisonburg from I-18, Port Republic Road is the only one that has a residential approach. The other exits are industrial or commercial. If multi-housing is allowed, it will detract from the beauty of the exit now.

Marian Jamerson, a resident of 1409 Crawford Avenue, said that she built her house and has lived there for 30 years. It was never her belief that the neighborhood would be destroyed in this way. She is appalled that anyone would even suggest high density or medium density in this area. This is spot zoning in the purest and simplest form and it is the beginning of deterioration of this section of Port Republic Road. It can be nothing else but that and it would be only a matter of time before someone else bought another piece of property and requested that it be changed. She requested that City Council not approve this request.

Lucy Parin, a resident living at 1351 Crawford Avenue, that she has spent a lot of money renovating her house, which she has owned for one year. People want to live in this neighborhood and like what is there. She said the neighborhood does not want more students, cars or more noise.

Cheryl Talley, a resident of 691 Maryland Avenue, said she lives at the end of Port Republic Road. She said that she has been stalled in traffic on Port Republic Road many times because a car is trying to turn into a driveway on Port Republic Road. It will create long lines of traffic at a dangerous intersection.

Tom Templeton stated his name and that he lives at the corner of East Weaver Avenue and Crawford Avenue. Some of the residents have lived in the neighborhood for 40 or 50 years. There being no others to be heard, the public hearing was declared closed at 9:40 p.m., and the regular session reconvened.

Following further discussion and comments, Vice-Mayor Peterson offered a motion to deny this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented for Council's consideration a proposed amendment to Article J. R-3, Multiple Dwelling Residential District, Section 10-3-47. She explained this amendment would bring clarification for two-family uses within the R-3, Multiple Dwelling Residential District's area and dimension regulations. All lot dimensions, setbacks, and height requirements remain the same as established in R-2, Residential District. The only reduction is in the lot area requirements that would allow up and down duplexes. The R-3 classification currently permits single-family lots of 6,000 sq. ft., multi-family lots of 3,000 sq. ft. per unit, and townhouse lots of 2,000 sq. ft. per unit. However, two family lots were not addressed in the area and dimensional regulations for R-3. Historically, staff has permitted side by side units to use the regulations for townhouses, which would require only 2,000 sq. ft., but has had no choice but to revert to the R-2 classification for area and dimensional regulations of 11,000 sq. ft. when dealing with up and down duplexes. She said that staff and Planning Commission recommended approval.

At 9:45 p.m., Mayor Frank closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 23, and Monday, April 30, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, May 8, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

-

Public hearing to consider a proposed amendment to Article J. R-3, Multiple Dwelling Residential District, Section 10-3-47. Area and dimensional regulations for two-family units would be added to the existing regulations as follows:

<i>MINIMUM FEET</i>	<i>Maximum</i>
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Lot area	Lot	Lot	Front	Side	Rear	Height
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Sq. Ft.	Width	Depth	Yard	Yard	Yard	Stories	Feet
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Two-

Family: 30/ 100 30 10 25 2 35

4,000/ Unit

unit

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 these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at 432-7701 at least five days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this ordinance amendment. There being no one desiring to be heard, the public hearing was declared closed at 9:46 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this ordinance amendment for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker presented for Council's consideration adoption of Fiscal Year 2001-02 Budget and Appropriation Ordinance for a first reading. He explained that the budget had been amended per the direction of City Council at the April 17th work session. Vice-Mayor Peterson offered a motion to approve the Fiscal Year 2001-02 Budget and Appropriation Ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Council Member Lantz expressed his concern about the growth in the budget and spending \$30 million more in this budget than last year's. He said, "I know one project is the steam plant which was included in the Capital Improvement Plan. I don't like reducing the City's undesignated fund, which is likely to hit a high

of \$14 million at the end of this fiscal year. I am uncomfortable when you spend the rainy-day fund and you don't have a rainy day. The City should live within the revenue means or come up with a revenue source to support that means. This budget does not have the revenue source to support the expenditures. He also said, AI will vote for the budget because sometimes you vote for things you don't believe in.

However, Vice-Mayor Peterson argued that even with the reduction in the undesignated fund money, the City will maintain close to 14% of the general budget as stipulated by the City's financial policy.

Council Member Rogers said that the budget was rolling the dice on that the economy is going to stay strong. He said, AI will vote for the budget, but it is like approving a crystal ball.@

Planning and Community Development Director Turner introduced a request for a vacation and new 20-foot public exclusive water easement within the Foxhill Townhomes subdivision. She said that Planning Commission supports the vacation and establishment of the new easement. Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

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

RESOLUTION

WHEREAS, The Honorable Porter R. Graves, Jr., was an untiring and dedicated public servant who contributed greatly to the justice system in the City of Harrisonburg; and

WHEREAS, Judge Graves practiced law in our community for over twenty years with the firm of Moore, Jackson, Graves and Ralston; and

WHEREAS, in 1987 Judge Graves was appointed by the General Assembly as a sitting judge in the Harrisonburg-Rockingham County Circuit Court, was reappointed in 1996 and became chief judge of the 26th Judicial Circuit in 1996; and

WHEREAS, Judge Graves was a member of the Virginia State Bar and the Virginia Bar Association, was a past president of the Harrisonburg-Rockingham Bar Association, and was active in many civic

and charitable organizations throughout the community; and

WHEREAS, Judge Graves was held in the highest esteem by many segments of the community and was well know for his dedication to his profession, for his thoroughness and fairness and for his strong work ethic; and

WHEREAS, Judge Graves, a dedicated public servant, a beloved friend and co-worker, and a devoted husband and father, earned the respect and admiration of his friends and associates; and

WHEREAS, the entire community mourned when, while preparing for a day on the bench, Judge Graves suddenly died on January 22, 2001,

NOW, THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg, on behalf of the citizens of Harrisonburg, does hereby recognize and express sincere gratitude for the accomplishments of The Honorable Porter R. Graves, Jr., and for his contributions to the Harrisonburg community; and

BE IT FURTHER RESOLVED that City Council requests that this Resolution of honor, respect and friendship be placed in the official minutes of the Harrisonburg City Council in order that all may know of the high regard in which the Harrisonburg City Government places the memory of Judge Graves.

Given under our hand this eighth day of May in the year two thousand one, A.D.

Carolyn W. Frank, Mayor

Dorn W. Peterson, Vice-Mayor

Joseph Gus Fitzgerald, Council Member

Larry M. Rogers, Council Member

Hugh J. Lantz, Council Member

Attest: Yvonne Ryan, City Clerk

Vice-Mayor Peterson offered a motion to approve this resolution. The motion was approved with a unanimous vote of Council.

School Superintendent Ford presented for City Council's consideration the School Board's long range plan. He said that the School Board adopted a long-range plan that includes building a new high school, renovating the existing high school into a middle school and moving grades 6-8 there, using the existing middle school facility for a city wide upper elementary for grades 4-5, and having our current elementary schools serve students in pre-kindergarten through 3rd grade. The School Board actions include numerous discussions about the need to address current overcrowding and plan for future growth. He said that the board commissioned Mosley, Harris & McClintock to produce a Long Range Capital Improvements Feasibility Study. He said the board had public discussion at a meeting about the various options presented in the Mosley study. Presentations of these various options were made to school staffs. Feedback was requested and the board received many responses from staff members. At the School Board meeting on May 2nd, the board decided on a grade configuration and construction plan. The long range plan adopted by the School Board includes building a new high school (initially for 1,350 students and with core facilities for 1,550 students) at a projected cost of \$39,021,117, renovate the current high school facility to accommodate 1240 middle school students (grades 6-8). The renovated facility would become Thomas Harrison Middle School at a projected cost of \$5,817,213. Create an upper elementary school at the current THMS site for all 4th and 5th graders in the City (projected cost: no additional cost). The City's four elementary schools would remain in place, but house pre-Kindergarten through 3rd grade. When enrollment dictates, perhaps around 2008 or 2009, add classrooms to the new high school for an additional 200 students at a projected cost of \$3,602,537. The total estimated cost for the plan \$48,440,867. Dr. Ford said that the board would like to advertise immediately for architectural services, select an architect for the new high school, and participate in VPSA bond sale to finance the new high school facility. He suggested soliciting construction bids in February 2002 and by mid-March 2002 begin high school construction. In the spring or fall of 2003 participate in VPSA bond sale for renovating the existing high school, in January 2004 move the students into the new high school and begin renovation of current high school facility for the middle school. In August 2004, the middle school students would move to the renovated high school and the 4th and 5th grade students would begin at the vacated THMS facility. He reviewed the debt service for the new high school. Major issues needing additional consideration include site identification, transportation, staffing and curriculum planning.

Discussion and comments from Council Members included receiving additional information, whether Council was overstepping its jurisdiction, financial considerations, noted that another local locality turned down a School Board's request for more funding, elected officials of the school board are autonomous from the City Council, whether it is appropriate for Council to consider grade configurations, expressed frustration with Ford's reticence to provide more information, noted that the school board lacks the authority to tax, there are many shades of gray concerning the extent of each body's authority, and how can Council possibly vote for increasing the taxes of the City.

A work session between City Council and the School Board was scheduled for May 29th at 7:00 p.m. at the Thomas Harrison Middle School.

A request from the downtown Retail Merchants Association was tabled until the next meeting.

Public Works Director Baker presented a brief report and a request for a supplemental appropriation to award a contract for bridge replacement and utility repair on North Main Street. He requested Council's approval of awarding the contract to Wilkins Construction Company, Inc. of Amherst, Virginia for the replacement of

North Main Street Bridge and pipe culvert over Blacks Run. Vice-Mayor Peterson offered a motion to authorize City Manager Baker to sign this contract. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for transferring funds for purchasing the vehicle the City Manager is currently driving to the Building Inspection Department. Vice-Mayor Peterson offered a motion to transfer these funds.

\$16,691.00 chge. to: 1000-910411-45660 Other non-departmental

\$16,691.00 approp. to: 1000-340121-48151 Motor vehicles and equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds were received from a grant award and will be used for truancy prevention and assistance. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$9,014.00 chge. to: 1111-32442 School Revenue - State

\$9,014.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Public Works Director Baker presented a request for transferring funds for the Sanitation budget. He explained that these funds would be transferred from a capital outlay to a capital project to be used for purchasing a tire treading machine for the Resource Recovery Plant. Vice-Mayor Peterson offered a motion to transfer these funds.

\$100,000.00 chge. to: 2014-972043-48111 Machinery & Equipment

7,908.27 chge. to: 2014-972043-48151 Motor Vehicles & Equipment

\$107,908.27 approp. to 2014-992042-49216 Transfer to Capital Projects

\$107,908.27 chge. to: 1324-34270 Transfer from Sanitation Fund

\$107,908.27 approp. to: 1324-910142-48685 Recycling Development

The recorded roll call vote was taken as follows:

RESOLUTION

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Public Works Director Baker presented a request for transferring funds for the Sanitation budget. He explained that these funds would be used to adjust the sanitation fund's budget to cover the cost of natural gas purchases. The current budget expenditure estimates did not anticipate the large increase in natural gas costs for this year. This expenditure is covered through monthly reimbursement from James Madison University. Vice-Mayor Peterson offered a motion to approve this request for a first reading.

\$105,000 chge. to: 2014-31915 Reimbursement-JMU CISAT Operating

\$105,000 approp. to: 2014-912242-45119 Natural Gas

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds received as a reimbursement through a DMV grant will be used for salaries. Council Member Rogers offered a motion to approve this request for a first reading.

\$6,000.72 chge. to: 1000-32520 DMV Grant

\$6,000.72 approp. to: 1000-310231-41020 Salaries/Wages OT

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Bucky Berry said that Harrisonburg has a terrible drug problem and suggested allocating more money for the Police Department.

RESOLUTION

Sallie Strickler, a resident of 1017 Smithland Road, expressed her thanks to City Council for their hard work and dedication to the City. She also expressed her thanks to Public Utilities Director Mike Collins for all of his hard work in getting water and sewer to the Smithland Road area.

Dale Metzler, a resident of 1513 North College Avenue, said that he and his wife attended the May 2nd School Board meeting. It was a public hearing to consider the three proposals for long range school planning. Citizens attended the meeting prepared to debate, discuss and offer their opinions of the proposals. He said that he was impressed with the strong unified effort of the middle school teachers advocating for Thomas Harrison Middle School and to keep grades 6-8 together. However, he said he was disappointed that a motion was made to adopt proposal number three, voted on and passed by the other school board members before it had really been discussed. He said he questioned how the school board could vote on any proposal because the proposals had not been studied. He also said that the school board did not hold enough public hearings concerning the proposal nor allow enough time for public input.

At 11:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

MAY 22, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald, and Police Captain Malcolm Wilfong. Absent: City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the School Board, Police Department, and Sanitation budget. The motion also included approval of First Bank & Trust Company vacating 21,656 sq. ft. of South High Street and the second reading of an ordinance amending Section 10-3-47 of the Harrisonburg City Code and adopting Fiscal Year 2001-02 Budget and Appropriation Ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

APPROPRIATION ORDINANCE

OF THE CITY OF HARRISONBURG, VIRGINIA

For the Fiscal Year Ending June 30, 2002

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2002. 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, 2002:

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 two hundred six thousand, four hundred thirteen dollars (\$206,413) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 42,454
(2)	Other Operating Expenses	157,459
(3)	Capital Outlays	6,500

Paragraph Two - Office of City Manager (120111)

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of two hundred eighty-six thousand, eight hundred ninety-seven dollars (\$286,897) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$201,402
(2)	Other Operating Expenses	83,995
(3)	Capital Outlays	1,500

Paragraph Three - Office of City Attorney (120411)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of fifty-two thousand, six hundred ninety-two dollars (\$52,692) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$52,692
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Paragraph Four - Department of Human Resources (120511)

For the current expenses of the DEPARTMENT OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of one hundred twenty-nine thousand, five hundred sixty-eight dollars (\$129,568) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$97,930
(2)	Other Operating Expenses	31,638

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, one hundred twenty dollars (\$13,120) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$13,120
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Paragraph Six - Commissioner of Revenue (120912)

For the current expenses and capital outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of two hundred ninety-four thousand, eighty-six dollars (\$294,086) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$196,737
(2)	Other Operating Expenses	89,349
(3)	Capital Outlays	8,000

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of one hundred forty-five thousand, six hundred twenty-eight dollars (\$145,628) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$91,904
(2)	Other Operating Expenses	51,724
(3)	Capital Outlays	2,000

Paragraph Eight - Board of Equalization (121112)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of one thousand, one hundred fifty dollars (\$1,150) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$1,150
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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 eighty-seven thousand, one hundred thirty-seven dollars (\$387,137) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$227,854
(2)	Other Operating Expenses	151,283
(3)	Capital Outlays	8,000

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 three hundred eighteen thousand, six hundred thirty-three dollars (\$318,633) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$224,663
(2) Other Operating Expenses	89,995
(3) Capital Outlays	3,975

Paragraph Eleven - Retirement Board (121711)

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For the current expenses of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of twelve thousand, nine hundred eighteen dollars (\$12,918) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$12,000
(2) Other Operating Expenses	918

Paragraph Twelve - Data Processing (122011)

For the current expenses and capital outlays of DATA PROCESSING, a division of the General and Financial Administration, the sum of three hundred fourteen thousand, two hundred forty-four dollars (\$314,244) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$78,119
(2) Other Operating Expenses	82,125
(3) Capital Outlays	154,000

Paragraph Thirteen - Purchasing Agent (122211)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of ninety-eight thousand, eight hundred ninety-one dollars (\$98,891) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$72,507
(2)	Other Operating Expenses	26,384

Paragraph Fourteen - Electoral Board and Officials (130114)

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For the current expenses and capital outlays of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of one hundred thirty-nine thousand, three hundred twenty-one dollars (\$139,321) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$74,510
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(2)	Other Operating Expenses	46,811
(3)	Capital Outlays	18,000

Paragraph Fifteen - Police Administration (310131)

For the current expenses and capital outlays of the POLICE ADMINISTRATION, a division of the Department of Public Safety, the sum of three hundred sixty-three thousand, one hundred eighteen dollars (\$363,118) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$126,307
(2)	Other Operating Expenses	174,811
(3)	Capital Outlays	62,000

Paragraph Sixteen - Police Operations Division (310231)

For the current expenses and capital outlays of the POLICE OPERATIONS DIVISION, a division of the Department of Public Safety, the sum of two million, four hundred ninety-seven thousand, two hundred forty-five dollars (\$2,497,245) is appropriated from the General Fund to be apportioned as follows:

(3)	Personal Services	\$1,850,076
(4)	Other Operating Expenses	614,239
(5)	Capital Outlays	32,930

Paragraph Seventeen - Police Criminal Investigation Division (310331)

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For the current expenses and capital outlays of the POLICE CRIMINAL INVESTIGATION DEPARTMENT DIVISION, the sum of five hundred eighty-six thousand, eight hundred four dollars (\$586,804) is appropriated from the General Fund to be apportioned as follows:

1. Personal Services	\$431,334
2. Other Operating	151,970
3. Capital Outlays	3,500

Paragraph Eighteen - Police Support Services (310431)

For the current expenses and capital outlays of the POLICE SUPPORT SERVICES, a division of the Department of Public Safety, the sum of one million, five hundred twelve thousand, four hundred thirty-two dollars (\$1,512,432) is appropriated from the General Fund to be apportioned as follows:

1. Personal Services	\$920,112
2. Other Operating Expenses	449,620
3. Capital Outlays	142,700

Paragraph Nineteen - Emergency Operations Center (310432)

For the current expenses and capital outlays of the EMERGENCY OPERATIONS CENTER, a division of the Department of Public Safety, the sum of six hundred nineteen thousand, one hundred ninety-three dollars (\$619,193) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 49,493
(2)	Capital Outlays	569,700

Paragraph Twenty - Fire Administration (320132)

For the current expenses of the FIRE ADMINISTRATION, a division of the Department of Public Safety, the sum of two hundred fifty-nine thousand, six hundred sixty-five dollars (\$259,665) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$160,605
(2)	Other Operating Expenses	99,060

Paragraph Twenty-One - Fire Suppression (320232)

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For the current expenses and capital outlays of the FIRE SUPPRESSION, a division of the Department of Public Safety, the sum of three million, two hundred ninety-one thousand, sixty-seven dollars (\$3,291,067) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,908,226
(2)	Other Operating Expenses	849,902
(3)	Capital Outlays	532,939

Paragraph Twenty-Two - Fire Prevention (320332)

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For the current expenses of FIRE PREVENTION, a division of the Department of Public Safety, the sum of one hundred thirty-seven thousand, one hundred ninety-four dollars (\$137,194) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 98,037
(2)	Other Operating Expenses	39,157

Paragraph Twenty-Three - Fire Training (320432)

For the current expenses and capital outlays of FIRE TRAINING, a division of the Department of Public Safety, the sum of one hundred thirty-three thousand, one hundred forty-five dollars (\$133,145) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$88,408
(2)	Other Operating Expenses	40,737
(3)	Capital Outlays	4,000

Paragraph Twenty-Four - E911 System (320532)

For the current expenses of the E911 SYSTEM, a division of the Department of Public Safety, the sum of five hundred seventy-eight thousand, nine hundred ninety-three dollars (\$578,993) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$357,780
(2)	Other Operating Expenses	221,213

Paragraph Twenty-Five - 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 sixty-one thousand dollars (\$61,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 61,000
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Paragraph Twenty-Six - Building Inspection (340121)

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For the current expenses and capital outlays of BUILDING INSPECTION , a division of the Department of Public Safety, the sum of four hundred twenty-nine thousand, sixty-one dollars (\$429,061) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$303,281
(2)	Other Operating Expenses	121,880
(3)	Capital Outlays	3,900

Paragraph Twenty-Seven - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of eighty-two thousand, two hundred fifty-two dollars (\$82,252) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$ 24,406
(2)	Other Operating Expenses	57,846

Paragraph Twenty-Eight - Coroner (350331)

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

(1)	Other Operating Expenses	\$900
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Paragraph Twenty-Nine - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of sixty-eight thousand, twenty-four dollars (\$68,024) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$68,024
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Paragraph Thirty - 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 six hundred eighty-three thousand, seven hundred sixty-six dollars (\$683,766) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$433,612
(2)	Other Operating Expenses	171,654
(3)	Capital Outlays	78,500

Paragraph Thirty-One - Highway and Street Maintenance (410241)

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For the current expenses and capital outlays of HIGHWAY AND STREET MAINTENANCE, a division of the Department of Public Works, the sum of three million, six hundred twenty thousand, three hundred seven dollars (\$3,620,307) is appropriated from the General Fund to be appointed as follows:

(1)	Personal Services	\$1,075,465
(2)	Other Operating Expenses	2,000,842
(3)	Capital Outlays	544,000

Paragraph Thirty-Two - Street Lights (410441)

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For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred thirty thousand dollars (\$430,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	430,000
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Paragraph Thirty - Three - 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 sixty-three thousand, eighty-four dollars (\$163,084) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 48,615
(2)	Other Operating Expenses	104,469
(3)	Capital Outlays	10,000

Paragraph Thirty-Four - Traffic Engineering (410741)

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For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of nine hundred seven thousand, nine hundred sixty dollars (\$907,960) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$271,087
(2)	Other Operating Expenses	431,873
(3)	Capital Outlays	205,000

Paragraph Thirty-Five - Highway/Street Beautification (410841)

For the current expenses and capital outlays of HIGHWAY/STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of two hundred seventy-three thousand, one hundred fifty-two dollars (\$273,152) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$124,743
(2)	Other Operating Expenses	98,409
(3)	Capital Outlays	50,000

Paragraph Thirty-Six - Street Cleaning (420241)

For the current expenses and capital outlays of STREET CLEANING, a division of Public Works, the sum of two hundred eighty-five thousand, eighty-five dollars (\$285,085) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$112,288
(2)	Other Operating Expenses	97,797

(3)	Capital Outlays	75,000
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Paragraph Thirty-Seven - Insect and Rodent Control (420641)

For the current expenses of INSECT AND RODENT CONTROL, a division of the Department of he Public Works, the sum of thirty-eight thousand, five hundred ninety-three dollars (\$38,593) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$38,593
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Paragraph Thirty-Eight - General Properties (430221)

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For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of two hundred thirty-three thousand, four hundred seven dollars (\$233,407) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 22,753
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(2)	Other Operating Expenses	118,154
(3)	Capital Outlays	92,500

Paragraph Thirty-Nine - 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 eighty-six thousand, six hundred eighty-five dollars (\$286,685) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$286,685
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Paragraph Forty - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of one hundred twenty-one thousand, seven hundred fifty dollars (\$121,750) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$121,750
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Paragraph Forty-One - Tax Relief for Elderly (530611)

For the current expenses TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of twenty-one thousand dollars (\$21,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$21,000
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Paragraph Forty-Two - Parks and Recreation Administration (710171)

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For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of two million, sixty thousand, six hundred five dollars (\$2,060,605) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$792,348
(2)	Other Operating Expenses	603,457
(3)	Capital Outlays	664,800

Paragraph Forty-Three - 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 four hundred forty-two thousand, six hundred fifty-four dollars (\$442,654) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$246,185
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(2)	Other Operating Expenses	131,469
(3)	Capital Outlays	65,000

Paragraph Forty-Four - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of seventy-two thousand, two hundred fifty-six dollars (\$72,256) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$33,306
(2)	Other Operating Expenses	38,950

Paragraph Forty-Five - Simms Recreation Center (710671)

For the current expenses of the SIMMS RECREATION CENTER, a division of the 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
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Paragraph Forty-Six - Westover Swimming Pool (710771)

For the current expenses and capital outlays of the WESTOVER SWIMMING POOL, a division of the Parks, Recreation and Cultural, the sum of three hundred fourteen thousand, eight hundred fifty-nine dollars (\$314,859) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$153,871
(2)	Other Operating Expenses	93,988

(3)	Capital Outlays	67,000
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Paragraph Forty-Seven - Athletic Complex (710871)

For the current expenses and capital outlays of the ATHLETIC COMPLEX, a division of Parks, Recreation and Cultural, the sum of ninety-three thousand, eighty-eight dollars (\$93,088) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 19,142
(2)	Other Operating Expenses	33,946
(3)	Capital Outlays	40,000

Paragraph Forty-Eight - Planning Commission (810121)

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For the current expenses and capital outlays of the PLANNING COMMISSION. A division of the Department of Community Development, the sum of one hundred forty thousand, four hundred seventy-eight dollars (\$140,478) is appropriated from the General Fund to be apportioned as follows:

(1)Personal Services	\$90,901	
(2)Other Operating Expenses	45,677	
(3)Capital Outlays		3,900

Paragraph Forty-Nine - Zoning Administration (810221)

For the current expenses of ZONING ADMINISTRATION, a division of the Department of Community Development, the sum of eighty-seven thousand, five hundred eighty-eight dollars (\$87,588) is appropriated from the General Fund to be apportioned as follows:

(1)Personal Services	\$66,597
(2)Other Operating Expenses	20,991

Paragraph Fifty - Board of Zoning Appeals (810421)

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For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of five thousand, one hundred seventy-two dollars (\$5,172) is appropriated from the General Fund to be apportioned as follows:

(1)Personal Services	\$ 1,200
(2)Other Operating Expenses	3,972

Paragraph Fifty-One - Economic Development

For the current expenses and capital outlays of the DEPARTMENT OF ECONOMIC DEVELOPMENT, the sum of two hundred seventeen thousand, five hundred forty-eight dollars (\$217,548) is appropriated from the General Fund to be apportioned as follows:

(1)Personal Services	\$ 70,130	
(2) Other Operating Expenses		146,818
(3) Capital Outlays		600

Paragraph Fifty-Two - Non-Departmental - Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of seven hundred forty-five thousand, eight hundred eighteen dollars (\$745,818) is appropriated from the General Fund to be apportioned as follows:

43850 Central Shenandoah Planning District	\$8,192
45639 Office of Youth Services	6,670
45642 Local Chamber of Commerce	3,000
45644 Salvation Army	10,000
45645 Rescue Squad-Gas and Oil	20,000

45647 Shen Val. Soil & Water Conservation Dist.	3,850
45648 Blue Ridge Community College	5,000
45650 Valley Program for Aging Services	25,000
45652 First Step, Inc.	21,000
45653 Non-Departmental CATV	5,000
45654 Convention & Visitors Bureau	75,000
45656 BRCC-Site Improvement	33,200
45659 Blue Ridge Legal Services	5,277
45660 Other Non-departmental	24,000
45662 Free Clinic Inc.	5,000
45663 Community Mediation Center	2,000
45664 Woodbine Cemetery	1,500
45669 Boys and Girls Club	45,000
44883 First Night	5,000
45885 Arts Council of Valley	40,000
47010 Massanutten Regional Public Library-Operating	317,122
47020 Upper Valley Regional Park Authority	15,000
47030 Juvenile Detention Home	70,007

Paragraph Fifty-Three - Non Departmental - Joint Operations (910511)

For the payment of joint expenses, the sum of two million, five hundred ninety-three thousand, two hundred three dollars (\$2,593,203) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc.	\$1,601,000
47071 Expense of Social Service District	962,203

47072 Expense of Weed & Seed Program	30,000
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Paragraph Fifty-Four - Non Departmental Subscriptions/Contribution (910611)

For the payment of Airport Expenses, the sum of forty-five thousand dollars (\$45,000) is appropriated from the General Fund to be apportioned as follows:

47040 Airport - Operating	\$35,000
47045 Airport - Capital Improvements	10,000

Paragraph Fifty-Five - Non Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of sixteen thousand dollars (\$16,500) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$16,500
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Paragraph Fifty-Six - Reserve for Contingencies (940111)

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For Reserve for Contingencies of the General Fund the sum of two hundred thousand dollars (\$200,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Reserve for Contingencies	\$200,000
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Paragraph Fifty-Seven - 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 twenty thousand, forty-two dollars (\$1,820,042) is appropriated from the General Fund to be apportioned as follows:

(1)	Serial Bonds and Interest	\$1,816,442
(2)	Bank Handling Charges	3,600

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

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For supplementing the revenue of other funds the sum of twenty-eight million, one hundred thirty thousand, eight hundred sixty-two dollars (\$28,130,862) is appropriated from the General Fund to be apportioned as follows:

(1)	General Capital Projects Fund	\$3,345,000
(2)	School Fund	21,673,902
(3)	Central Garage Fund	82,872
(4)	Central Stores Fund	6,144
(5)	Public Transportation Fund	583,860
(6)	Sanitation Fund	2,436,660
(7)	Parking Authority Fund	2,424

S U M M A R Y

Expenditures and Revenues

Total General Fund Appropriation for the

Fiscal Year Ending June 30, 2002

\$57,071,853

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

Amount from Fund Balance	\$ 4,747,184
General Property Taxes	17,687,222
Other Local Taxes	21,999,983
Permits, Privilege Fees and	
Regulatory Licenses	173,100
Fines and Forfeitures	277,000
Revenue from use of Money & Property	1,028,070

Charges for Services	247,900
Miscellaneous Revenue	4,208,796
Recovered Costs	50,000
State Non-Categorical Aid	2,545,524
State Shared Expenses (Categorical-Aid)	287,350
State Other (Categorical-Aid)	2,665,700
Federal Categorical Aid	10,000
Loan Proceeds	340,000
Transfers from other Funds	
<u>804,024</u>	
Total General Fund Revenue	
for the Fiscal Year Ending June 30, 2002	<u>\$57,071,853</u>

SECTION II - SCHOOL FUND (1111)

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That the following sums of money be and the same hereby are appropriated for school purposes specified for the fiscal year ending June 30, 2002:

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION OF THE DEPARTMENT OF EDUCATION, the sum of twenty-five million, five hundred ninety-four thousand, eight hundred sixteen dollars (\$25,594,816) is appropriated from the City School Fund to be apportioned as follows:

(1)	Instruction	\$25,594,816
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Paragraph Two - Administration/Attendance & Health Service (40620)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE OF THE DEPARTMENT OF EDUCATION, the sum of one million, seven hundred fifty-one thousand, four hundred thirty-nine dollars (\$1,751,439) is appropriated from the City School Fund to be apportioned as follows:

(1)	Administration/Attendance & Health Service	\$1,751,439
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Paragraph Three - Pupil Transportation Services (40630)

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For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT OF EDUCATION, the sum of one million, seventy thousand, two hundred twenty dollars (\$1,070,220) is appropriated from the City School Fund to be apportioned as follows:

(1)	Pupil Transportation Service	\$1,070,220
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Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF EDUCATION, the sum of three million, one hundred thirty-nine thousand, four hundred ninety-two dollars (\$3,139,492) is appropriated from the City School Fund to be apportioned as follows:

(1)	Operations and Maintenance	\$3,139,492
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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, eight hundred forty-two thousand, four hundred one dollars (\$1,842,401) is appropriated from the City School Fund to be apportioned as follows:

(1)	School Food Services & Other	
	Non Instructional Operations	\$1,842,401

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
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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, two hundred ninety-five thousand, four hundred twenty dollars (\$3,295,420) is appropriated from the City School Fund to be apportioned as follows:

(1)	Serial Bonds and Interest	\$3,295,420
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SUMMARY

Expenditures and Revenues

Total School Fund Appropriations for

Fiscal Year Ending June 30, 2002	<u>\$36,695,788</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other Funds	\$ 1,578,021
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Revenue from State School Funds	11,403,178
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Revenue from Federal Funds	2,040,687
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Transfers Receipts from City=s General Fund	<u>21,673,902</u>
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Total School Fund Revenue

for the Fiscal Year Ending June 30, 2002

\$36,695,788

SECTION III - 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, 2002:

Paragraph One - Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of three million, three hundred forty-five thousand dollars (\$3,345,000) appropriated as follows:

48606 Public Safety Facility	\$ 1,000,000	
48610 2-way Communication System		500,000
48619 East Market Street Safety Improvement	40,000	
48620 Burgess Road Extension		205,000
48636 Stone Spring Road Improvement		500,000
48637 Erickson Avenue Extension		500,000
48638 Cantrell Avenue Road Improvement		200,000
48656 Country Club Road Streets		200,000
48691 Simms Building Renovation		200,000

SUMMARY

Expenditures and Revenues

Total General Capital Projects Fund Appropriation

for the Fiscal Year Ended June 30, 2002

\$3,345,000

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

34210 Transfer from General Fund

\$3,345,000

Total General Capital Projects Fund Revenue

For the fiscal Year Ending June 30, 2002

\$3,345,000

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, 2002:

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one million, eight hundred seventy-six thousand, three hundred dollars (\$1,876,300) is appropriated as follows:

48621 Western Raw Water Line	\$ 340,000
48627 Washington Street Tank Repair	150,000
48628 WTP Expansion Project	340,000
48633 Smithland Road	176,300
48634 Water Main Oversize/Extend	50,000
48635 Water Main Upgrades	20,000
48654 Eastern Source Development	800,000

SUMMARY

Expenditures and Revenues

Total Water Capital Projects Fund Appropriations	
for the Fiscal Year Ended June 30, 2002	<u>\$1,876,300</u>

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

34220 Transfer from Water Fund	<u>\$1,876,300</u>
Total Water Capital Projects Fund Revenue	
for the Fiscal Year Ended June 30, 2002	<u>\$1,876,300</u>

SECTION V - Sewer Capital Projects Fund (1322)

That the following sum of money be and the same hereby are appropriated for Sewer Capital Projects purposes herein specified for the fiscal year ended June 30, 2002:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of one million, three hundred ninety-four thousand six hundred dollars (\$1,394,600) is appropriated as follows:

48630	Central Stores Building Project	\$100,000
48641	Blacks Run Interceptor	400,000
48642	Park View Sewer Improvement	50,000
48645	PHR&A I&I	400,000
48647	HRRSA WWTP Expansion	50,000
48649	Smithland Road	269,600
48650	Sewer Main Oversize/Extension	75,000
48651	Sewer Main Upgrades	50,000

SUMMARY

Expenditures and Revenues

Total Sewer Capital Projects Fund Appropriation

for the Fiscal Year Ended June 30, 2002

\$1,394,600

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

34230 Transfer from Sewer Fund

\$1,394,600

Total Sewer Capital Projects Fund Revenue

for the Fiscal Year Ended June 30, 2002

\$1,394,600

SECTION VI - Sanitation Capital Projects Fund (1324)

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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, 2002:

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of twenty million, eight hundred eighty-one thousand, one hundred seventy-five dollars (\$20,881,175) is appropriated as follows:

48681 City Landfill closure and monitoring

\$213,800

48683	Steam Plant for CISAT	75,000
48684	County Landfill Development & Closure	487,375
48685	Recycling Development	105,000
48686	Rebuild Steam Plant	20,000,000

S U M M A R Y

Expenditure and Revenue

Total Sanitation Capital Projects Fund Appropriation
for the Fiscal Year Ended June 30, 2002 \$20,881,175

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

34270 Transfer from Sanitation Fund \$20,881,175

Total Sanitation Capital Projects Fund Revenue
for the Fiscal Year Ended June 30, 2002 \$20,881,175

SECTION VII - Golf Course Capital Projects Fund (1326)

That the following sum of money be and the same hereby are appropriated for the Golf Course Capital Projects purposes herein specified for the fiscal year ended June 30, 2002:

Paragraph One - Capital Projects (910771)

-

For the payment of capital expenditures of the Public Transportation Capital Projects Fund, the sum of fifty-nine thousand, two hundred forty-eight dollars (\$59,248) is appropriated as follows:

49285	Transfer to Golf Course Fund	<u>\$59,248</u>
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SUMMARY

Expenditure and Revenue

Total Golf Course Projects Fund appropriation

for the Fiscal Year Ended June 30, 2002	<u>\$59,248</u>
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To be provided from the following estimated revenue which is as follows:

31010 Amount from Fund Balance	<u>\$59,248</u>
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Total Golf Course Capital Projects Fund Revenue

for the Fiscal Year Ended June 30, 2002	<u>\$59,248</u>
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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, 2002:

Paragraph One - Administration (312061)

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For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred thirty thousand, eight hundred forty dollars (\$230,840) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$135,223
(2)	Other Operating Expenses	95,617

Paragraph Two - Pumping, Storage and Monitoring (322061)

For the current expenses of PUMPING, STORAGE AND MONITORING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of four hundred thirty thousand, seventy-three dollars (\$430,073) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$47,880
(2)	Other Operating Expenses	382,193

Paragraph Three - Transmission and Distribution (332061)

-

For the current expenses of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of seven hundred two thousand, two hundred twenty dollars (\$702,220) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$408,698
(2)	Other Operating Expenses	293,522

Paragraph Four - Utility Billing (342061)

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of one hundred fifty-eight thousand, nine hundred sixty-two dollars (\$158,962) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$95,981
(2)	Other Operating Expenses	62,981

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of one million, thirty-five thousand, three hundred thirty-two dollars (\$1,035,332) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$10,100
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(2)	Depreciation	830,724
(3)	Taxes, etc.	194,508

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of seven hundred forty thousand, one hundred eighty-one dollars (\$740,181) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$450,425
(2)	Other Operating Expenses	289,756

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Water Fund, the sum of one hundred seventy-four thousand dollars (\$174,000) is appropriated from the Water Fund to be apportioned as follows:

(1)	Capital Outlays	\$174,000
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Paragraph Eight - Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of two million, three hundred fifty-two thousand, eight hundred fifty-six dollars (\$2,352,856) is appropriated from the Water Fund to be apportioned as follows:

(1)	General Fund-Share of Accounting, Collecting & Data Processing	\$388,488
(2)	Water Capital Projects Fund	1,876,300
(3)	Central Stores Fund	88,068

SUMMARY

Expenditures and Revenues

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 2002	<u>\$5,824,464</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Amount from Fund Balance	\$ 220,540
Permits, Privilege Fees and Regulatory Licenses	165,000

Revenue from use of Money & Property	254,000
Charges for Services	4,216,000
Recovered Costs	138,100
Miscellaneous Revenues	100
Transfers for depreciation	<u>830,724</u>
 Total Water Fund Revenues	
for the Fiscal Year Ending June 30, 2002	<u>\$5,824,464</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, 2002.

Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of three hundred nine thousand, nine hundred thirty-nine dollars (\$309,939) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$190,764
(2)	Other Operating Expenses	119,175

Paragraph Two - Treatment and Disposal (422061)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one million, fifty thousand dollars (\$1,050,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 1,050,000
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Paragraph Three - Collection and Transmission (432061)

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For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of six hundred forty-nine thousand, thirty-nine dollars (\$649,039) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$392,366
(2)	Other Operating Expenses	256,673

Paragraph Four - Miscellaneous (442061)

-

For the current expenses, depreciation and the payment of taxes, the sum of eight hundred sixty-nine thousand, seven hundred fifty-six dollars (\$869,756) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$3,500
(2)	Depreciation	699,720

(3)	Taxes, etc.	166,536
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Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred seventy-eight thousand, one hundred forty-six dollars (\$178,146) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$89,626
(2)	Other Operating Expenses	88,520

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of sixty-one thousand, four hundred twenty-seven dollars (\$61,427) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$35,996
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(2)	Other Operating	25,431
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Paragraph Seven - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two hundred seventy-five thousand dollars (\$275,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Capital Outlays	\$275,000
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Paragraph Eight - Indebtedness Requirement - Sewer Fund (482061)

-

For the payment of the City=s share of interest and principal on HRSA debt, the sum of one million, fourteen thousand dollars (\$1,014,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Serial Bonds, Interest, etc.	\$1,014,000
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Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of one million, seven hundred seventy-eight thousand, three hundred twenty-four dollars (\$1,778,324) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$375,528
(2)	Sewer Capital Projects Fund	1,394,600
(3)	Central Stores Fund	8,196

SUMMARY

Expenditures and Revenues

Total Sewer Fund Appropriations for
the Fiscal Year Ending June 30, 2002 \$6,185,631

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

Amount from Fund Balance	\$ 237,411
Permits, Privilege Fees and	
Regulatory Licenses	101,000
Revenue from use of Money & Property	250,000
Charges for Services	4,862,000
Recovered Costs	35,500
Transfers for depreciation	<u>699,720</u>

Total Sewer Fund Revenues

for the Fiscal Year Ending June 30, 2002

\$6,185,631

-

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, 2002:

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, seven hundred thousand, eight hundred seventy-seven dollars (\$1,700,877) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$893,373
(2)	Other Operating Expenses	732,504
(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 one million, one hundred thirty thousand, four hundred two dollars (\$1,130,402) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$589,513	
(2)	Other Operating Expenses	480,889	(3)
	Depreciation	60,000	

Paragraph Three - Field Trips & Charters (832081)

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the Public Transportation Fund, the sum of one hundred twenty-five thousand, nine hundred fifty-nine dollars (\$125,959) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$107,000
(2)	Other Operating Expenses	18,959

Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of fifty-three thousand, six hundred thirty-three dollars (\$53,633) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$ 3,000
(2)	Other Operating Expenses	629

(3)	Depreciation	50,004
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Paragraph Five - Trolley Buses (850281)

-

For the current expenses of the TROLLEY BUSES, a division of the Public Transportation, the sum of sixty-three thousand, four hundred fifty-five dollars (\$63,455) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$ 30,000
(1)	Other Operating Expenses	33,455

Paragraph Six - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of five hundred thirty thousand dollars, (\$530,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Capital Outlays	\$530,000
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S U M M A R Y

Expenditures and Revenues

Total Public Transportation Fund Appropriations

for the Fiscal Year Ending June 30, 2002	<u>\$3,604,326</u>
--	--------------------

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

Amount from Fund Balance	\$ 5,807	
Use of Money and Property		39,655
Charges for Services		1,874,842
Recovered Costs		500
State Categorical Aid		400,000
Federal Categorical Aid		515,000
Transfers from General Fund and depreciation		<u>768,522</u>
 Total Public Transportation Fund Revenues		
for the Fiscal Year ending June 30, 2002		<u>\$3,604,326</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, 2002:

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 eighty-three thousand, ninety-eight dollars (\$183,098) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 47,249
(2)	Other Operating Expenses	135,849

Paragraph Two - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of one million, seven hundred thirty-three thousand, eight hundred one dollars (\$1,733,801) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$697,213
(2)	Other Operating Expenses	1,036,588

Paragraph Three - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred eighty-nine thousand, thirty-seven dollars (\$489,037) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$296,107
(2)	Other Operating Expenses	192,930

Paragraph Four - Landfill (932042)

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of seven hundred eighty-nine thousand, three hundred seventy-three dollars (\$789,373) is appropriated from the Sanitation Fund

to be apportioned as follows:

(1)	Personal Services	\$ 27,010
(2)	Other Operating Expenses	762,363

Paragraph Five - Miscellaneous (942042)

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Sanitation Fund, the sum of one hundred seventy-five thousand, four hundred eight dollars (\$175,408) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Depreciation	\$127,204
(2)	Bond Issue cost	21,660
(3)	Land and steam agreement	26,544

Paragraph Six - Recycling (952042)

For the current expenses of the RECYCLING, a division of the Sanitation Fund, the sum of five hundred ninety-one thousand, six hundred seven dollars (\$591,607) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$310,298
(2)	Other Operating Expenses	281,309

Paragraph Seven - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of one hundred five thousand dollars (\$105,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Capital Outlays	\$105,000
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Paragraph Eight - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of two million, nine hundred thirty-one thousand, four hundred ninety dollars (\$2,931,490) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Serial Bonds and Interest	\$2,931,490
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Paragraph Nine - Transfers (990242)

-

For transfers to Capital Projects for landfill closure and monitoring costs of the Sanitation Fund. The sum of eight hundred eighty-one thousand, one hundred seventy-five dollars (\$881,175) is appropriated from the Sanitation Fund to be apportioned as follows.

(1) Transfers to Sanitation Capital Projects

Fund	\$ 881,175
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S U M M A R Y

Expenditures and Revenues

Total Sanitation Fund appropriations

for the Fiscal Year Ending June 30, 2002	<u>\$7,879,989</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Amount from Fund Balance	\$290,267
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Licenses Permits and Privilege Fees	200
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Revenue from use of Money & Property	356,502
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Charges for Services	2,511,089
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Miscellaneous Revenues	60,000
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Recovered Costs	2,049,863
Transfers from General Fund, depreciation, etc.	<u>2,612,068</u>
Total Sanitation Fund Revenues	
for the Fiscal Year Ending June 30, 2002	<u>\$7,879,989</u>

SECTION XII - PARKING AUTHORITY FUND (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, 2002:

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 fifty thousand, three hundred eighty thousand dollars (\$250,380) is appropriated from the Parking Authority Fund to be apportioned as follows:

(1)	Personal Services	\$91,624
(2)	Other Operating Expenses	118,748
(3)	Transfers	40,008

SUMMARY

Expenditures and Revenues

Total Parking Authority Fund Appropriations	
for the Fiscal Year Ending June 30, 2002	<u>\$250,380</u>

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

Amount from Fund Balance	\$52,056
Fines and Forfeiture	62,000
Revenue from use of money and property	35,000
Charges for Services	98,900
Transfers from General Fund	<u>2,424</u>
Total Parking Authority Fund Revenues	
for the Fiscal Year Ending June 30, 2002	<u>\$250,380</u>

SECTION XIII - GOLF COURSE FUND (2016)

That the following sums of money be and the same hereby are appropriated for Golf Course purposes herein specified for the fiscal year ending June 30, 2002:

Paragraph One - Grounds Management Operations (720271)

For the current expenses of the GROUNDS MANAGEMENT OPERATIONS, a division of the Golf Course Fund, sum of three hundred seventy-five dollars (\$375,000) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Personal Services	\$227,344
(2)	Other Operating Expenses	147,656

Paragraph Two - Clubhouse Management Operations (720371)

For the current expenses of the CLUBHOUSE MANAGEMENT OPERATIONS, a division of the Golf Course Fund, the sum of three hundred seventy-two thousand, one hundred sixty-nine dollars (\$372,169) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Personal Services	\$ 117,403
(2)	Other Operating Expenses	254,766

Paragraph Three - Capital Outlay (720771)

-

For the capital outlays of the GOLF COURSE, a division of the Golf Club Fund, the sum of eleven thousand dollars (\$11,000) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Capital Outlays	\$ 11,000
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Paragraph Four - Indebtedness Requirement - Golf Club (720871)

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For the payment of interest on a portion of the interest on the Public Recreation Facility General Obligation and Revenue Bonds, the sum of sixty thousand, fifty-seven dollars (\$60,057) is appropriated from the Golf Course Fund to be apportioned as follows:

(1)	Serial Bonds, Interest, etc.	\$60,057
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SUMMARY

Expenditures and Revenues

Total Golf Course Fund appropriations

for the Fiscal Year Ending June 30, 2002

\$818,226

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

Charges for Services

\$ 733,197

Miscellaneous Revenues

25,781

Transfers from Golf Course Capital Projects Fund

59,248

Total Golf Course Fund Revenue

for the Fiscal Year Ending June 30, 2002

\$818,226

SECTION XIV - CENTRAL GARAGE FUND (2111)

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, 2002:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of five hundred sixty-eight thousand, forty-nine dollars (\$568,049) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)	Personal Services	\$408,690
(2)	Other Operating Expenses	159,359

Paragraph Two - Capital Outlay (672141)

-

For the capital outlays of the CENTRAL GARAGE, a division of the Department of Central Garage Fund, the sum of thirty-seven thousand dollars (\$37,000) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)Capital Outlays	\$ 37,000
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SUMMARY

Expenditures and Revenues

for the Fiscal Year Ending June 30, 2002

\$605,049

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

Amount from Fund Balance \$97,477

Use of Money and Property	15,000
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Charges for Services	409,700
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Transfer	<u>82,872</u>
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Total Central Garage Fund Revenue

for the Fiscal Year Ending June 30, 2002

\$605,049

SECTION XV - 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, 2002:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of eight-seven thousand, four hundred eight dollars (\$87,408) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)	Personal Services	\$ 51,082
(2)	Other Operating Expenses	36,326

Paragraph Two - Capital Outlay (772141)

For the current expenses of the CENTRAL STORES, the sum of fifteen thousand dollars (\$15,000) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)Capital Outlay \$ 15,000

S U M M A R Y

Expenditures and Revenues

Total Central Stores Fund Appropriations

for the Fiscal Year Ending June 30, 2002 \$102,408

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

Transfers from other Funds \$102,408

Total Central Stores Fund Revenue

for the Fiscal Year Ending June 30, 2002

\$102,408

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV

IN THIS ORDINANCE

FOR THE FISCAL YEAR ENDING June 30, 2002

RECAPITULATION

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Section I	General Fund	\$57,071,853
Section II	School Fund	36,695,788
Section III	General Capital Projects Fund	3,345,000
Section IV	Water Capital Projects Fund	1,876,300
Section V	Sewer Capital Projects Fund	1,394,600
Section VI	Sanitation Capital Projects Fund	20,881,175
Section VII	Golf Course Capital Projects Fund	59,248
Section VIII	Water Fund	5,824,464
Section IX	Sewer Fund	6,185,631
Section X	Public Transportation Fund	3,604,326
Section XI	Sanitation Fund	7,879,989

Section XII	Parking Authority Fund	250,380
Section XIII	Golf Course Fund	818,226
Section XIV	Central Garage Fund	605,049
Section XV	Central Stores Fund	<u>102,408</u>

TOTAL APPROPRIATIONS \$146,594,437

SECTION XVI

All of the monies appropriated as shown by the contained items in Sections I through XV 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 and Manufactured Homes as defined in Section '36-85.3, Code of Virginia, 1950, as amended, be fixed at Sixty-two cents (\$0.62), and that the rate of taxation on Tangible Personal Property and Machinery and Tools, as defined by Chapter 35 of '58.1 of the Code of Virginia, 1950, as amended, be fixed at Two Dollars and No Cents (\$2.00) on each one hundred dollars (\$100) assessed valuation for the year 2001; real estate taxes to be collectible one half on or before December 5, 2001 and one half on or before June 5, 2002. It is expressly provided that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in '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, 2001 and one half on or before June 5, 2002. 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 documents entitled "A Positions Grouped By Pay Grade-Effective 7/1/01", and "A Salary Schedule as of July 1, 2001 @", and adopted by the City Council for the fiscal year beginning July 1, 2001, and ending June 30, 2002, 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 directed by the City Manager and 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, 2001.

Given under my hand this _____ day of _____, 2001.

MAYOR

CITY CLERK

Planning and Community Development Director Turner introduced a request by Haynch, Inc., to rezone property located at 503 East Market Street from R-2, Residential District to R-3, Multiple Dwelling Residential District (Conditional). She explained that the site is located at the intersection of Reservoir and East Market Streets. The Comprehensive Plan's Land Use Guide classifies the area as professional. This designation states that these areas are suitable for commercial development, but need careful controls to ensure compatibility with adjacent land uses. She reviewed the surrounding uses in the area. The applicant, with approval from this rezoning would convert the northernmost structure into a duplex. At the present time, the southernmost structure is being rented as a single-family home. The one at the front is currently unoccupied and in a state of disrepair. The survey of the property shows that it contains 14,299 square feet. Mr. Cekada was advised that under the R-2 zoning classification, he could have two single-family homes as exists on the property for a total of 14,000 square feet. However, Mr. Cekada prefers to convert the northernmost structure into a duplex use, which under R-2 requires 18,000 square feet for the existing single-family use and the new duplex use. Therefore, Mr. Cekada is requesting a rezoning to the R-3 district, which would require the lot to contain 14,000 square feet for a duplex and single-family use. Mr. Cekada has

proffered to keep single-family, duplex, or professional office uses only. Furthermore, he has proffered the R-3 use that allows dwelling units to be occupied by a family or not more than two (2) persons. Other R-3 rezonings have been granted along the East Market Street corridor. Many professional offices have been built successfully in the past. The only concern staff had with the property, in particular, was with the location of the existing driveway, which is located close to the intersection of Reservoir and East Market Streets. Left turns made into the property are often hampered by traffic signal stacking. Increasing the density will increase the number of car trips, but during the building permit process, placing the entrance as far from the intersection may assist in lessening the problem of turning into the property. However, it would eliminate the number of car trips generated, with the proposed uses. She said that staff and Planning Commission recommended approval of the rezoning with the proffers as submitted.

At 7:40 p.m., Mayor Frank 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 7, and Tuesday, May 15, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, May 22, 2001, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

REZONING

Public hearing to consider a request by Haynch, Inc., with representative Mr. Leo Cekeda to rezone tax map parcel 27-E-3 (14,299 sq. ft.), from R-2, Residential District to R-3, Multiple Dwelling Residential District (conditional). The parcel is located at 503 East Market Street.

The Comprehensive Plan designates this area as Professional, which is intended for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District.

The R-2 Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq.ft/unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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 individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

Leo Cekeda, said that he has owned the property for about three years. He said that he would like to make the property into a duplex instead of using it as a single-family resident.

Bob Sullivan, secretary/treasurer of Woodbine Cemetery said that if the house was remodeled, it would be an improvement to the area.

Sherwin Jacobs, an adjacent property owner said that although he would like to see the property improved and developed, he was opposed to student renting the property. He also questioned the expense needed to renovate the property. He said that he was opposed to the rezoning because of tenant mix, parking and littering in the area.

Olivia Landis, a resident living at 480 East Market Street, said that she was opposed to the rezoning because of student rentals, parking problems and littering. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Planning and Community Development Director Turner clarified that only have four unrelated people with a special use permit would be permitted in one unit of the building. Vice-Mayor Peterson commented that Planning Commission had many of the concerns expressed by the people opposing this rezoning. It was part of the negotiated proffers to restrict the duplex's use to families of no more than two unrelated residents. Because the old brick house is in a state of disrepair and has been uninhabited for the past six years, some members of Planning Commission felt this compromise would protect the property rights of the owner and improve the building on the site. Following further comments and discussion, Council Member Fitzgerald offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Economic Development Director Shull presented for Council's consideration a draft ordinance to consider adoption of an Arts and Cultural District Ordinance (Chapter 5 of Title 9 of the City Code). He explained that the Arts and Cultural District would be established in the downtown area. The Arts Council of the Valley requested and received legislation approval by the Virginia General Assembly this year which enables the City to establish an arts and cultural district. Modeled after the successful Harrisonburg Technology Zone Ordinance, this proposed arts and cultural district ordinance offers tax relief to qualified arts and organizations within the geographic boundaries of the district. Mr. Shull reviewed the boundaries of the district pointing out that the exemption does not apply to JMU, but symbolically wanted to include the campus into the district. The definition of the ordinance states that qualified arts organizations are businesses or not-for-profit organizations physically located within the outlined district determined by the City Manager to positively contribute to the spectrum of arts and cultural activities and venues available to the public. Examples may include, but are not limited to, theaters, art galleries, museums, and dance studios. He also recommended three incentives which include a three-year exemption from the Business, Professional and Occupational License tax and fees (BPOL), admission taxes, and partial exemption for certain rehabilitated, renovated or replacement residential and commercial structures. The City will also offer a five-year exemption for existing

locations that are renovated or improved within the district. He explained that the tax would allow for a new business to be taxed for five years on the existing assessed value prior to improvements. Mr. Shull noted and reviewed language changes needed in the boundaries section. Vice-Mayor Peterson offered a motion to adopt the Arts and Cultural District Ordinance for a first reading with the amended change in the language. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Attorney Miller presented for a first reading an ordinance amending and re-enacting Sub-Section 4-2-96(b) of the Harrisonburg City Code. He explained that the drafted language stated that a place of amusement or entertainment means any place in the City, except any place or establishment operated by an entity determined to be a Qualified Arts Organization pursuant to Title 9, Chapter 5, Arts and Cultural District, of this Code. Following further discussion and comments Vice-Mayor Peterson offered a motion to approve this amendment to the ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented for Council's consideration a request by Hi-Sky Enterprises to vacate two easements on the southern side of Chestnut Ridge Drive and establish a new 20-foot public utility easement. Mrs. Turner said that Attorney Franklin Blatt prepared the deed of release and easement which City Staff and HEC have reviewed. City Staff has recommended that this deed be approved as presented. City Attorney Miller questioned why construction easement language was not included in the deed. Mrs. Turner said that currently the utility easements are not in the ground. City Attorney Miller and Attorney Blatt will work together to change the language in the deed. Council Member Lantz offered a motion to approve this deed of release and easement contingent upon the language being changed in the deed. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker announced that a letter had been received withdrawing a rezoning request by Bill Neff/Deyerle Trust.

City Manager Baker read the following report by the Board of Viewers. The Board of Viewers has met on site and reviewed the unimproved right-of-way of Monroe Street from Madison Street through its intersection with Ashby Street, and Ashby Street from Jefferson Street to its intersection with Monroe Street west of Jefferson Street.

Monroe Street has a sewer main and electric utilities in the right-of-way and also has several undeveloped lots facing the right-of-way between Madison Street and Jefferson Street. The Salvation Army has a transient housing building on a lot at the southwest corner of Monroe Street and Jefferson Street. They are presently adding to the housing at this location. Monroe Street right-of-way continues west to the North Liberty Street where there are several commercial buildings. There are also undeveloped lots facing Monroe Street west of the Ashby Street intersection. There is also a water main and sewer main in the western right-of-way.

The unimproved section of Ashby Street from Jefferson Street west to Monroe Street has a water main, sewer main, and electric line in the right-of-way.

It is apparent that if closure of these right-of-ways or portions there of were done it would be necessary to retain utility easements which would use most of the area for easements. Ashby Street and Monroe Street west of Jefferson Street could be developed as a through street to North Liberty Street.

Therefore we recommend that no changes take place at this time and these right-of-ways be left as they are for future development. This report was signed by the Board of Viewers consisting of Marshall Firebaugh, Wilmer Byrd, Sr., and Ralph Smith. Mr. Baker said that the Board of Viewers has recommended that these right-of-ways not be removed from City ownership at this time.

Major Samuel Van Denberg of the Salvation Army came to the podium and said that although he had received the Board of Viewers report its board members didn't have the opportunity to review the report and decide what appropriate action might be taken. Vice-Mayor Peterson commented that a map would have been helpful to determine the designation of the unimproved lots. No action was taken by City Council.

City Manager Baker presented for Council consideration a request by Jon Keith to increase taxi rates. He explained that Mr. Keith, owner of Yellow Cab Company, is requesting to increase taxi rates according to City Code Section 14-1-81(a) which states that City Council is responsible for setting the rates by resolution. This is the first rate increase in six years of operation. Council Member Lantz said, "I am glad the City no longer operates the taxi service. I have not heard one complaint about the taxi service since Mr. Keith took over. It appears to me he is doing a good job. Council Member Lantz offered a motion to grant the rate increase. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Council Member Fitzgerald suggested, recommended and requested that Council agree to appoint a committee consisting of himself, Leonard VanWyk, and three to five other individuals to research, study and make recommendations on the topic of pedestrian safety throughout the City. Council Member Lantz suggested that this request be considered at the next Council meeting to give everyone an opportunity to review this request. Mr. Lantz said, I am not sure what your goal is at this time. This request will be placed on the June 12th Council meeting.

Council Member Fitzgerald also announced that the 506 Road Plan will be discussed at the June 12th Council meeting.

City Manager Baker announced that a work session between City Council and the School Board scheduled for May 29th at Thomas Harrison Middle School will be moved to City Council Chambers at 7:30 p.m.

City Manager Baker announced that a Simms School Committee had been formed consisting of himself, Albunyer Arrington, Wilhemina Johnson, Barbara Blakey, Mike Shaffren, James Orndoff, Paula Gucker, Heather Denman, and Carlton Banks. The committee has met three times discussing the history of the building, current use, future committed use, problems, and toured the building.

At 9:10 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion of actual or probable litigation with legal counsel and staff members. A closed session is permissible for this purpose pursuant to Code '2.1-344.A.7 of the Code.

At 9:44 p.m., the closed session was declared closed and the regular session reconvened. Assistant City Manager Hodgen read the following statement which was agreed to with a unanimous recorded vote of Council: I 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

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

ACTING CITY CLERK

MAYOR

REGULAR MEETING

JUNE 12, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending and re-enacting Sub-Section 4-2-96(b) of the Harrisonburg City Code. The motion also included adoption of an Arts and Cultural District Ordinance (Chapter 5 of Title 9 of City Code). The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by Erwin Michael to amend the R-1 Single-Family Residential District. She explained that the applicant is requesting to amend the zoning classification text by changing the area and dimensional regulation to increase the maximum number of stories permitted in a single family dwelling from two to three. The City currently allows two stories at a height of 35 feet. The applicant is not requesting an increase in height, but allowing three stories within the 35 feet of height which is allowed in the R-1 district. Some terminology associated with this application was confusing; therefore, staff decided to define and explain exactly how height is measured within the City. The

height is the most important feature because an attic is not clearly defined when it stops being an attic and becomes another story of the house. A basement is clearly defined under Section 10-3-24 as a story at least one-half its height below grade. The height is defined in the ordinance as the vertical distance measured from the floor closest to the curb grade to the level of highest points of the roof surface. If is considered as a basement it is not counted as a story for the purpose of height regulations. She said that Planning Commission recommended approval of the request.

At 7:35 p.m., Mayor Frank 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 29, and Monday, June 4, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearing on Tuesday, June 12, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider a request by Mr. Erwin Michael to amend the City of Harrisonburg Zoning Ordinance, Article H. R-1, Single-Family Residential District, Section 10-3-35, Area and dimensional regulations as follows:

Lot area Lot Lot Front Side Rear Height

Sq. Ft. Width Depth Yard Yard Yard Stories Feet

Single-

Family: 80 100 30 10 25 3 35

10,000

Maps and other information are available for review in 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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against considering this request.

Steven Blatt representing the applicant explained that this situation was a result of a change during construction and that Mr. Michael was not asking to change the height of the building. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented for Council's consideration an amendment to the R-2 Residential District. She explained that this text will correct conflicting statements within the R-2 Residential District regulations that did not accurately describe the intent of the Zoning Ordinance. Section 10-3-42 of the regulation within the R-2 classification state that only one principal dwelling or two-family dwelling may be constructed upon each subdivided parcel of land unless such land is proposed for a group housing project as defined. Currently the regulation then states or provided that each principal building face a dedicated public street. A group housing project by definition in the City's zoning ordinance is a piece of land that cannot be successfully divided into convention streets and lots. She said that Planning Commission recommended amending the ordinance as proposed.

At 7:40 p.m., Mayor Frank 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 29, and Monday, June 4, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearing on Tuesday, June 12, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider an amendment to Article I. R-2, Residential District, Section 10-3-42, Other regulations as follows:

(c) Only one principal dwelling or two-family dwelling may be constructed upon each subdivided parcel of land unless such land is proposed for a group housing project as defined.

Maps and other information are available for review in 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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against amending this 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. Vice-Mayor Peterson offered a motion to amend this ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by the City and First Bank & Trust Company to rezone property from R-2 Residential District to B-2 General Business District. The property is located at 396 South High Street and consist of unused City right-of-way, a gap of land and property owned by the bank. The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. Mrs. Turner reviewed the surrounding uses in the area. Rezoning this property to B-2 will allow the bank to continue its use of the entire site for bank purposes. The rezoning will consolidate the zoning for the property around the current location of the First Bank and Trust building and allow for a more consistent business zoning classification. In addition, the applicant wishes to rezone the surrounding parcels to assist in the placement of an ATM north of the current bank building. With the previously approved street closing and this rezoning the ATM will meet the 30 ft. setback requirements and be an allowed use within the B-2 district. She said that Planning Commission recommended approval of the request.

At 7:45 p.m., Mayor Frank 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 29, and Monday, June 4, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearing on Tuesday, June 12, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING

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Public hearing to consider a request by the City of Harrisonburg and First Bank & Trust Company to rezone tax map parcel 25-H-2 (0.513 acres), 21,656 square feet of the City of Harrisonburg right-of-way, and a gap of land (236 square feet) from R-2, Residential District to B-2, General Business

District located at 396 South High Street. The right-of-way has been requested to be closed and purchased by First Bank & Trust Company.

The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq.ft/unit. The B-2, General Business District allows a wide variety of retail shopping, commercial, recreational, and service activities. No minimum lot size restrictions exist in the B-2 district.

Maps and other information are available for review in 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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

J.R. Copper representing Valley Engineering said that Mrs. Turner had explained everything very clearly and he was available to answer questions. There being no others desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session convened. Council Member Lantz offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Ted Cole, Darrell Hill, and David Rose with Davenport and Company presented an analysis of the City's financial position. Mr. Cole explained that his company had prepared a preliminary capital funding strategy plan for Harrisonburg. The company has developed a multi-year finance plan that provides funds when needed and insures financial integrity of the City into the foreseeable future. The City of Harrisonburg faces unprecedented levels of potential capital projects over the next several years including a public safety building, rebuilding a steam plant, a new high school, and water plant upgrade. These projects present capital funding needs of approximately \$80 million to \$85 million. The current outstanding debt is approximately \$55 million. The City of Harrisonburg enjoys a solid credit rating, a low tax rate, growing income and money in reserve, all of which shows its financial strength. The City has very strong fund balances and cash adequate to insure liquidity. Harrisonburg has one of the most competitive tax rate structures in Virginia, which will be an important factor to consider if deciding to move forward with this capital funding strategy. A population graph, general fund revenues graph, assessed value graph, and total expenditures were reviewed. Mr. Rose recommended three ways for the City to pay for its future capital projects without dramatically altering its financial future. He said that the City annual debt service will decline rapidly in the next few years as older loans are paid off, freeing up money for debt service on new projects. He also recommended allocating 50% of increased revenue from growth in the coming years. Income from water rate increases and steam plant revenue could be applied to the cost of constructing a new water line. It was not recommended that the City borrow all \$80 million. Debt financing could be combined with revenue sources or below market interest rates monies provided through the state or other sources. While different methods of payment will help reduce the impact on taxpayers, the report also confirms that some level of a real estate or meal tax increase will likely be required. He also reviewed the proposed debt service, existing and proposed projects, and estimated incremental tax effect. It was reiterated that Harrisonburg's financial position remains strong, despite the possibility of spending more than \$80 million on capital improvement projects in the future.

Some discussion by Council Members relative to the report included Harrisonburg issuing 20 or 30 year bonds, decreased annual debt service, standard issuance strategic implementation, real estate tax increases, artificially low figures, natural growth, reassessment, cash flow, competitive tax rate, population growth, strength and challenges.

Economic Development Director Shull presented a report prepared by the Rescue Squad Site Selection Committee. He explained that Council had established a staff committee consisting of himself, Stacy Turner, and Larry Shifflett on May 8th to work with the Harrisonburg Rescue Squad, Inc., to investigate viable sites for a new squad location. Mr. Shull said that thirteen different sites were analyzed by both the committee and members of the Rescue Squad. The recommended site selected for a new squad building is near the corner of Reservoir Street and University Boulevard. The Rescue Squad will be able to design a building specific to their needs and should have lower maintenance costs. The site will allow for future expansion, include ample storage space and is close to JMU. The main drawback to the new site is the cost which jumps the project price from \$1.5 million to \$2.1 million.

Brian Moore, President, Harrisonburg Rescue Squad introduced himself to Council. He said that the squad does support this site, but added that the squad will be expecting more financial support from the City. He stated that the squad's request for funding would increase from \$750,000 to \$1.25 million. Mr. Moore said that the squad will also initiate a capital campaign to help finance this facility.

Chris Runion presented a report on the proposed 506 Road Plan. He said that a local citizen=s advisory committee met several times to discuss issues concerning the Harrisonburg Area Transportation Study. Many transportation related issues were discussed involving the communities of Harrisonburg and Rockingham County. He said that the committee, by an eight-to-four vote, offered Plan 506 as a workable solution to the community transportation problems. It was viewed by a majority of the members of the committee as addressing many of the concerns expressed in the public hearing meetings held in 2000. He also said that the committee recognizes that no plan will satisfy everyone involved. The official name of this phase is the Design and Location Study which will take more than a year to complete. Following the completion of the study, a detailed road plan will be made public. He also noted that Federal law requires VDOT to consider all options.

Michael Renfro, a resident of 6451 Indian Trail Road, read the following letter: I am here on behalf of the Community Alliance for Preservation. Our organization formed in the respond to the recognition of a need for citizen input on issues of smart growth and controlled growth in Harrisonburg and Rockingham County areas. We represent more than 1200 citizens who either belong to CAP, have contributed financially to our cause, or have communicated their interests to us by mail, telephone or personal contact. The City Council is on record as supporting the HATS plan for development of a bypass or loop road to be located in the county around the southeast quadrant of the City. The Council is no doubt aware of the overwhelming opposition to this plan voiced at VDOT public hearings. I am sure that you are also aware that the HATS plan is no longer endorsed by the Rockingham County Board of Supervisors and is not supported by CAP.

Recently, a Citizens Advisory Committee was appointed by VDOT to consider alternative plans along with the HATS plan and make a recommendation. The majority of this committee recommended the so-called A506 plan@ but with strong dissension by some committee members.

Tonight CAP wishes to go on record stating that we do not endorse the 506 plan. We are unable to endorse the 506 plan because:

- \$ it does not adequately improve east-west flow
- \$ it parallels I-81 which is scheduled to be widened to eight lanes
- \$ it will hinder pedestrian, bicycle, and buggy traffic
- \$ limited access roads create more problems than they solve as indicated by studies reported by the EPA, the Surface Transportation Policy Project, the Texas Transportation Institute, the Infrastructure Technology Institute, and others
- \$ there are too many unanswered questions regarding the funding and the effect on future highway allocations

CAP recommends the following road improvements to address the current and near-future needs for improving east-west traffic flow:

- \$ Improvements to Route 33 East
- \$ Improvements to Port Republic Road
- \$ Improvements to Stone Spring Road with a possible connector to 33 East

These improvements can be made with reasonable transportation allocations under existing funding mechanisms. We strongly urge the City Council to consider the option of improvements to existing roadways and working to improve east-west traffic flow rather than supporting the construction of a new limited access

or controlled access road that directs traffic in a north-south direction as would occur with the 506 plan.

Ann Reed Held, a resident of 230 New York Avenue, said that she opposed the 506 plan because it would interfere into the existing property at Massanetta Springs. Massanetta Springs is a treasure for the whole community. Massanetta Springs has over 200 acres of lake, woods, and springs that would all be damaged if the plan went through.

Donna Triplett, a resident of 1395 Boyers Road, said the concept of 506 plan was first announced in the Daily News-Record on March 16, 2001. Since that time many informal meetings have been held with many residents that will be affected by the plan. There is tremendous concern from these residents as to how their lives will be affected. Their homes and farms will be altered and destroyed where a limited access road may go through their property. The property owners are concerned about changes that will come to their way of life in what has been a rural area, and additional development and more traffic is introduced into the area. The residents are concerned about higher taxes because they are required to pay for the roads and services to support growth in the area. A major issue of opposition involves the Limited Access Road. There are numerous arguments/questions surrounding this type of road. The proposed limited access road for 506 runs north/south for approximately seven miles. It is a duplicate of and runs parallel to I-81. It is less than two miles away from I-81. Also, I-81 will soon be expanded to eight lanes wide. This planned Limited Access Road does not solve the East/West traffic issues - where the problems are today. Also, our current traffic problems need resolution now. Many of the proposed plans will take 7, 10, or perhaps 15 years before they can be completed. Proponents of Plan 506 have used examples of how quickly we will be able to get from Penn Laird to Mt. Crawford. Those opposing quote various existing routes are being just as efficient. The Virginia Department of Transportation is currently working on the selection of the consulting engineer for a location study of the Limited Access Road. In various documents, VDOT's costs are ambiguous. VDOT has said that their cost estimates are rough at this time. So how much would a Limited Access Road really cost? Estimates go into the hundreds of millions! As for the funding involved in the Limited Access Road, \$20,000,000 has been earmarked for the location study alonethis money will be financed by Federal Highway Reimbursement Anticipation Notes. They must be paid back (with interest) within 10 years of issuance which is approximately \$2 million per year. Despite many debates, a Limited Access Road will spur growth to the area outside of, and around the area where the road is built. The result will be increased traffic on the road and around the connecting secondary road. There will be an increased need for public services (law enforcement, utilities, public transportation, etc. Taxes will increase in order to support these services. With growth moving away from the City, businesses tend to relocate to the new areas. This is a major cause of deterioration in the inner cities across America today. This is not something that we want to see happen in Harrisonburg! In conclusion, we are strongly opposed to any Limited Access Road being planned for the southeastern quadrant of Rockingham County. This includes Plan 506, HATS Plan, CAPS Plan, or Osbourne Plan. We believe our tax dollars would be much more effective if used today toward improving our existing road systems rather than studying/building a road that few support! We ask that the members of City Council support our efforts and oppose Plan 506. It is important to all of us concerned that the spending stops now!

David Hubler, a resident of 1475 Bluewater Road, said that Massanetta Springs has conducted a summer camping program for youth since 1922. The area through which this road is projected to go is presently used for a camping program that has been in that location since 1955. Extensive capital improvements are in this area already to support the camping program which includes 16 cottages, dining hall with a self-contained kitchen, a director's cabin, assembly lodges, showers and toilet facilities for up to 128 people at anyone time. Last summer around 420 youth used these facilities during the nine weeks of summer camp. The two parcels total around 88 acres which will be bisected by the 506 plan. The parcels consist of woods and meadows which are essential to the mission of the camping program. Program activities which take place on these parcels include archery, bible studies, camp fires, cookouts, games, team building exercises, and hikes. The Board of Trustees at Massanetta Springs is unanimously opposed to Plan 506.

Reylon Simmons said that she was the development director at Massanetta Springs. She said that her children attended Camp Massanutten and really enjoyed camping and building a closer relationship with God.

Leonard VanWyk, a resident of 115 Southampton Drive, said, As Advocacy coordinator of the Shenandoah Valley Bicycle Club, I ask you to reject the 506 plan, HATS plan, and any loop road plan that contains limited access highways. The cost of this plan will be great, perhaps a fraction of a billion dollars. Bicyclists and pedestrians (not to mention buggies) will be prohibited from using a limited access road. The inevitable growth such highways induce results in services spread out over a larger area making access to them more difficult for those using non-motorized transportation. Noise pollution in the area would significantly increase. It's impossible to hide from the roar of I-81, imagine the effect of increasing that highway hum two or three-fold. Spending the funds on other transportation projects, particularly public transit, walking and bicycling, would reduce regional congestion while revitalizing existing communities. Relocation of businesses and middle-class residents from established communities in the City would increase, counteracting downtown revitalization efforts and further reducing the City's tax base. He said, AI believe the above arguments against a typical beltway solution are compelling enough for you to vote against such a plan.@ Mr. VanWyk suggested that perhaps we could encourage college students to use a bicycle, walk, or use public transportation. He also said it would certainly be wise for Council to seek the advice of its own transportation planner before giving its consent to such a massive project.

Harold Durrett said that the Transportation Board will consider all alternatives. An consultant will be hired to review all the plans and make a recommendation to VDOT. He said now is too early to come forward with support because everyone should wait until the technical questions have been answered.

Some discussion by Council Members relative to the 506 Road Plan included the next step in VDOT's plan, hiring a firm to conduct an environment impact study, the study taking approximately a year, more public hearings being held, past City Council endorsing original HATS study, comparing Plan 5 with 506 Road Plan, and if both the Harrisonburg City Council and Rockingham Board of Supervisors overwhelmingly rejected the idea, the plan would stop. However, it was noted that the majority of the citizen's committee appointed by Ms. Welsh, felt such a decision would be a politically popular but short-sighted.

Mayor Frank said, AI have a hard time with the 506 plan because it doesn't make sense to me.

Vice-Mayor Peterson said that he was modestly worried about the fact that Harrisonburg is on record as supporting a limited access road in the Southeast quadrant which was used during Senator Miller at the last legislative assembly. At the time when Libby Welsh appointed the citizen committee, Vice-Mayor Peterson said that he was asked whether Council shouldn't revoke its vote in support. He said, AI thought the right thing to do is sit back and wait for the report from the citizen's committee. Now, I think I made a mistake in that decision because Harrisonburg is on record voting five to zero in favor of HATS or a limited access road. Vice-Mayor Peterson offered a motion that Harrisonburg go on record as being opposed to a limited access road in the Southeast quadrant. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Council Member Rogers

Abstained - Council Member Lantz

Absent - None

Ben Fordney, a resident of 1126 Chestnut Drive, said that the Change Steering Committee has discussed transportation problems in the City and believes both the HATS plan and Plan 506 fall far short of long term planning and the committee does not support it. A growth in sprawl, we think, will follow if Plan 506 is adopted just as night follows day. This is not to say that growth is undesirable but smart growth means revitalization of downtown, placing goods and services near existing neighborhoods. Loop roads and shopping malls located on the outskirts of the City accessible only by automobile is not the answer recommended by modern City planners. Distant shopping area drives up transportation costs which is important today because of high gasoline prices. Our main complaint about Plan 506 is it's emphasis on an access road parallel to I-81. Moving traffic around the City does not seem to have a significant impact on east-west traffic. The Change Steering Committee recommends that City Council look at making improvements to east-west traffic, Port Republic Road, Stone Spring Road, and East Market Street. He encouraged Council to wait until a transportation planner is on staff.

Ellen Lucius, a resident of 261 Paul Street, presented information provided by the Change Education Committee regarding more educationally and economically sound alternatives to the proposed long range plan of the Harrisonburg City School Board. She said that she had been a teacher at Keister Elementary, Thomas Harrison Middle School, and assistant principal at Waterman Elementary School. She said the school board held several meetings to discuss its long range plans. She said that she was complaining about the process of how the school board made their decision. Also, she didn't think the taxpayers were provided an opportunity to vote their opinions. She reviewed the three alternatives provided by the school board for consideration. She also reviewed emerging trends in the U.S. public education which include smaller schools, neighborhood schools and alternative schools.

Council Member Lantz questioned if Ms. Lucius was making a presentation to the right body and commented whether this forum was the correct one to criticize the School Board on its decision concerning the long range plan. He said that City Council role was to either fund their request or deny, not to decide what alternatives they should have chosen. Mr. Lantz said, "The only decision City Council can make is whether the City can afford the program presented by the School Board." He also said we cannot question their proposals. He encouraged Ms. Lucius to present her concerns to the School Board.

Ken Handrich, a resident of 610 Broad Street, introduced another concept of converting the Lucy F. Simms school building into a new elementary school and multi-use community center. He presented an architectural

drawing and said that the plan could save the City more than \$5 million when compared to building a new high school.

Scott Milliman, a resident of 261 Paul Street, said that the school board has failed to consider what may be cheaper alternative, such as a Simms Elementary School, or a second, smaller arts-oriented high school. He said this decision will result in higher school costs, and thus higher taxes for Harrisonburg residents. But there may be an additional taxpayer cost created by this plan which is less obvious and more long term in nature: the long-run erosion of the Harrisonburg City tax base due to the school board plan. This erosion is impossible to predict with any precision and will not reveal itself for 5-10 years; yet it may ultimately prove to be a major cost. Regretfully, despite the best efforts of our excellent teachers and administrators, going against these national trends could slowly begin to lower educational quality in our City. Simultaneously, other areas of the country are beginning to follow these trends. Mr. Milliman reviewed charter school movement, rehabilitating neighborhood schools, parents being allowed to choose which public school their children will attend. Education quality may go down in Harrisonburg while it is increasing elsewhere. While the exact timing is unknown, nevertheless, very gradually, our ability to attract new residents and businesses may start to decline. This may be particularly true for high tech firms. When less people move to Harrisonburg, housing demand declines, in turn, housing values decline, tax collections fall. This means less revenue for all City services, not just education. Some of these consequences could get worse if certain rules about taxes and schools are changed in the future. The United States education is beginning to change. These changes are usual. He reminded Council that once the money is borrowed, the City will have to make payments on the bonds for the next 30 years regardless of the number of children attending school.

School Superintendent Ford presented a request to transfer school funds. He explained that these funds will be used for the school=s operating budget, administration, attendance and health, transportation, operation and maintenance. Council Member Lantz offered a motion to approve this request.

\$50,000 chge. to: 111114-40620 Administration, Attendance & Health

25,000 chge. to: 111114-40630 Transportation

\$75,000 approp. to: 11111-40640 Operation and Maintenance

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

School Superintendent Ford commented that he was reluctant to speak for the School Board without having talked with them as a group regarding defensive statements or positive statements. Since 1999, school enrollment has increased by 237 students which has produced overcrowding in the elementary schools. He said that 17 mobile classrooms are being used. He said, If anyone has questions about the need to expand in some way the facilities in the City in order to accommodate the growth, then I encourage them to call me or come by and see me. The high school is the area that needs to be addressed in this process. He said that he was not sure all of the comments made tonight were entirely accurate. He said that he provided the school board with information on smaller schools. He said, It is very difficult for me to understand the concept that if business and industry leaders aren't told that they will be able to choose whatever school they wish to go to, that they in some way will choose not to come to Harrisonburg. If anything it is a crystal ball that may be a little hazy and gives very little credit to the outstanding teachers and administrators that we have in the school division.

Council Member Fitzgerald commented that a lot of people feel like they haven't been heard during this process. He said, AI attended three of the school board meetings and there were a lot of people speaking at the meetings. @ The School Board listened to those opinions, but maybe they didn't agree with the opinions. At the joint meeting between the School Board and City Council, at least three members of the Council agreed that they were ready to go forward with the planning stages of this project. It is not because we think that those opposed to it are particularly wrong-headed or foolish, and we don't question their common sense. Again, we happen to disagree. He said, I hope at some point those who are on the other side of this, including several friends, will reach the conclusion that we can't fight about this forever. At some point if there is a battle, one side wins and one side loses.

Vice-Mayor Peterson offered a motion (previously agreed upon by City Council at the May 29th work session allowing the School Board to hire an architect to design a new high school), for the City Council to hire a second architect to study the limitation of the current high school site and current middle school site with respect to expansion. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Absent - None

Council Member Fitzgerald offered a motion to allow the School Board to hire an architect to design a new high school as was agreed upon at the May 29th work session meeting. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

No - Vice-Mayor Peterson

Mayor Frank

Absent - None

A request to consider appointment of a committee to study Pedestrian Safety City-wide was tabled until the next meeting.

City Manager Baker presented a request from Hope Community Builders. He explained that the City had given this property to the Harrisonburg Redevelopment and Housing Authority (HRHA) to construct low and moderate income housing; however, HRHA did not construct the houses and has now given the property to Hope Community Builders. The original subdivision consisted of six lots. The proposed plat is for 11 lots, which would enable Hope Community Builders to benefit more of the needy. The plan is to complete construction on these lots in about two years. The success of this program will hopefully provide more funding for affordable housing in the future. The City's share will be approximately \$24,000 including off-site work. Council Member Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker presented an application for fireworks display at Spotswood Country Club on July 4, 2001. He explained that Skyfire Fireworks display has completed the appropriate application and they have met all Fire Department requirements. Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request by residents of Dogwood Drive in Park View. Currently, the City has three streets with the word's Dogwood Drive. A petition and letters from residents cite continual delivery mix-ups and delays of mail service. The residents prefer to have the name changed to West Dogwood Drive. Council Member Lantz offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request of vacation and abandonment of sewer line easement of land formerly known as Old South High Street. He explained that these are old sewer and

easement lines at the bank building. Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He explained that these funds were received from donations during the budget year. Council Member Fitzgerald offered a motion to approve this request for a first reading.

\$4,609.87 chge. to: 1003-2512 Fire Programs Fund

910.50 chge. to: 1003-2514 Two for Life Funds

9,074.45 chge. to: 1003-1809 Donations

12,865.50 chge. to: 1003-1914 Recovered costs

\$4,609.87 approp. to: 01-320232-48203 Fire Programs Fund

910.87 approp. to: 01-350532-46155 Two for Life Expenses

21,939.95 approp. to: 01-320232-48151 Motor Vehicles & Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker presented a request for a supplement appropriation. He explained these funds will be used to write off a loan made by the City to the HRHA for the Court Square Theater Complex. This loan was forgiven by the City for a one-half undivided interest in the complex. Council Member Fitzgerald offered a motion to approve this request for a first reading.

\$440,870.00 chge. to: 1000-31010 Amount from fund balance

\$440,870.00 approp. to: 1000-810521-48281 Buildings and grounds

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Attorney Miller presented for Council's consideration an ordinance authorizing the City Manager to act as the City's authorized agent for vacation of certain interests in real estate. He explained that several provisions in the state code allowing City Council or its authorized agent to consent to vacation of any interest in streets, alleys, easement for public right-of-way. City staff has recommended adopting this ordinance to simplify the process for easement adjustments. Vice-Mayor Peterson offered a motion to adopt this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Fire Chief Shifflett presented for Council's consideration adopting guidelines for natural gas storage facilities. He explained that the City had been approached by a local contractor (Swann and Company) inquiring as to what safety regulations and standards need to be met in order to construct a totally new concept for storage of natural gas. It is the contractor's intention to construct a new storage of natural gas system. After several meetings which involved the Fire Department, Building Official, City Engineer, and City Manager, it was concluded a comprehensive sets of standards are very lacking and in some cases non-existent to address this type of facility. While safety is a basic consideration in the development of these Guidelines, this factor alone will not necessarily govern the final specifications and design of the proposed facility. The user is cautioned that these Guidelines do not provide a design handbook and do not replace the requirement for competent engineering judgement. Mr. Shifflett said that the City Attorney has prepared an ordinance allowing this standard to be adopted by reference. Vice-Mayor Peterson offered a motion to adopt these guidelines for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Shelly Baker, a resident of 281 Paul Street, said that she would rather have her children educated in a neighborhood trailer than in a centralized fourth and fifth grade elementary school. She questioned whether City Council needed all the variables before voting to fund such a long range plan of the School Board. She said, AHow much does the plan include for land, road improvements, infrastructure, and student transportation? Do you feel comfortable trusting an elected board of Harrisonburg residents with knowing exactly what is the right way to spend this much money? Are they infallible?@ I know that the School Board has informed City Council of your limitations as far as questioning educational decisions, but you do have the right to flatly reject their constant pressure of the fall bond sale and current low interest rates. She asked City Council to reject the current plan of the School Board.

Jeffery Deets, a resident of 1519 Cramer Court, said he is currently one of the assistant principals at the high school and has taught mathematics for five years. The change in a grade configuration will have a direct effect on their education. This new grade configuration represents a considerable change in delivery of instructions to students and change of this degree should raise concerns. The teachers, staff, and administration of Harrisonburg City Public Schools will create an environment where excellent will not only continue, but will thrive.

Cloie Rodeffer, a resident of 731 Jefferson Street, said that she has three children in the school system. She said that she supported building a new high school.

David Ehrenpreis, a resident of 282 Franklin Street, said he was concerned about the fourth and fifth grade split. He said citizens felt left out of the process on the long range plans of the School Board. He also said most decisions have been made before reaching the School Board or City Council.

Tim Lacey a member of the School Board said that he has listened to numerous comments regarding the long range school plan. He said he objected to the statement the school system does not adapt because it is not true. He said that some of the figures mentioned tonight were not adequate and are misleading the public.

At 10:50 p.m., Council Member Fitzgerald offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Harrisonburg Redevelopment and Housing Authority. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code).

At 11:00 p.m., the closed 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 Council: I 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

JUNE 26, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Girl Scout Troop #24 from Harrisonburg including Briana Watts, Jessica Mahon, and Logan Hand delivered the invocation and led everyone in the Pledge of Allegiance. The group also included troop leaders Renee Mahon and Mia Watts.

Assistant City Manager Kurt Hodgen introduced nine new City Employees: Rick Castaneda, David Dellinger, Brian Moore, William Edmonds, Robert Lambert, Brian Dixon, Stuart Scott, David Michael Welsh, Parks and Recreation Department; and Keith Markel, Community Development Department.

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Court Square Theater Complex and Fire Department. The motion also included authorizing the City Manager to vacate certain interests in real estate and adopting guidelines for natural gas storage facilities. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request to vacate lot lines and easements on a portion of the Beacon Hill Subdivision. She explained that the Beacon Hill Subdivision was platted in 1999 allowing duplexes, triplexes, and quadraplexes within the development. Beacon Hill of Harrisonburg, LLC would like to change its plan of development and build townhouses in the neighborhood. The property upon which this subdivision is located is zoned R-4. The purpose of this vacation is to change the lot of configuration, in conformity with recent changes and requests made by the developer, and a change in the Master Plan. She said that Planning Commission has approved the Master Plan. All of the old lot lines and easements which existed from the previously platted lots will need to be vacated to create the plat for the townhouse units. No streets or street right-of-ways are to be vacated. She said that City staff reviewed the submitted plat and requested that some minor changes be made. The changes have been made and will be reflected in the documents presented for the City Manager's signature.

At 7:36 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 11, and Monday, June 18, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 26, 2001 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following vacation of plat of Beacon Hill Subdivision.

VACATION OF PLAT

Public hearing to consider a request by Beacon Hill of Harrisonburg, LLC, a Virginia limited liability company to vacate certain lots, together with the appurtenant easements there, at Beacon Hill Subdivision, Section I, located on Emerson Lane and Wordsworth Court in the City of Harrisonburg, Virginia. This request is to vacate a portion of Beacon Hill subdivision Section I, which is recorded in the Clerk's Office of the Circuit Court of Rockingham County in Deed Book 1731, at Page 560 and following. The lots that are requested to be vacated are as follows: Lots 52, 53, 22-29, inclusive, 37-49, inclusive, and 30-32, inclusive. Not included within the vacation request are Lots 50, 51, 54, 55 and 33 through 36, inclusive. It is further requested that with the vacation of said lots, all storm drainage, water line, sewer line easements, related appurtenances and facilities, and all common areas, open space, and maintenance easements, including specifically Common Area B, be vacated, including all easements granted to the City of Harrisonburg by Deed of Easement dated August 8, 1999, and recorded in the aforesaid Clerk's Office in Deed Book 1731, at page 597. The property upon which this subdivision is located is zoned R-4. The purpose of this vacation is to change the lot of configuration. In conformity with recent changes and requests made by the developer, and a change in the Master Plan. No streets or streets right-of-way are to be vacated.

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 individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the Planner at 432-7700 at least five days prior to the date of the meeting.

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

Steve Weaver, attorney for the applicant, said this plan is consistent with the revised approved Master Plan. 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 Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Council Member Lantz expressed concerns that some members of Council are being left out of the process even though open communication was a major topic at the Council retreat following the last election. He referred to several recent events as examples of all council members not being kept informed and suggested that these events may have been appropriate executive session discussion items. He stated that while in the past one or two council members may have participated in certain meetings or discussions, those members were selected by the Council as a whole, usually based on their areas of expertise. He would just like to see Council avoid micro-management and improve communications among members.

Mayor Frank expressed her opinion relative to Mr. Lantz's comments, saying she did not believe that anything had taken place which would constitute a secret meeting.

Council Member Lantz responded that he felt there were more back room politics going on with the current council than in years past.

Mayor Frank then addressed two specific incidents, one involving the Rescue Squad and one involving prospective commercial developer AIG Baker. The Rescue Squad meeting was a community meeting at Spotswood Elementary that she was asked to facilitate as one of the possible locations for a new facility was in her neighborhood. The utilization of that site would have involved certain proffers due to zoning issues, so she invited Dr. Peterson to this meeting since he is the Council's representative on the Planning Commission.

Relative to the AIG Baker meeting, she was contacted directly by their representative and asked to set up a meeting with appropriate City departments. She in turn asked Economic Development Director Brian Shull to set up the meeting and include the appropriate people.

Council Member Rogers then questioned whether or not the Mayor had meetings with other Council Members or rescue squad people in her home to discuss the issue of location of the new squad facility.

Mayor Frank responded that there was an occasion where Council Member Fitzgerald had stopped by her house to discuss some issues and that while he was there Brian Moore of the Rescue Squad came by as well. Their visits overlapped by a few minutes and Council Member Fitzgerald may have heard some of Mr. Moore's ideas relative to the squad facility, but this was not a planned or secret meeting. The meeting with Dr. Peterson was the community meeting at Spotswood Elementary School.

Council Member Fitzgerald commented that his meeting with the Mayor was relative to the budget and that at that time he had spoken individually with all Council Members. He commented that it was no more a policy meeting than was his lunch meeting of several months ago with Council Member Rogers.

Vice-Mayor Peterson stated that he thought the discussions were very peculiar and that he didn't think any of the Council Members want to have veto power over any of the others meeting with people in the community.

Council Member Lantz agreed that it was totally permissible for council members to participate in community meetings.

Council Member Rogers spoke again relative to the community meeting at Spotswood Elementary noting that it was on a Thursday night following a Tuesday night Council meeting and that the other three members weren't advised of it, even though the issue affects the whole community.

Mayor Frank stated that it was a neighborhood meeting, she is a part of that neighborhood and she invited Dr. Peterson because he is on the Planning Commission.

Council Member Lantz stated that the meeting was not a planning commission matter and that if it was, the chairman of the planning commission should have been invited as well.

Mayor Frank stated she believed she had the right to invite Dr. Peterson to the meeting if she wanted to and that he had invited her to meetings as well. They have a good working relationship and he asks a lot of good questions.

Vice-Mayor Peterson stated that one of the things addressed at the Council retreat was that if something was bothering a Council Member, the way to handle it initially was to call the others and talk about it, rather than assuming the worst. He was surprised to see this discussion as an agenda item and had planned on calling Council Members prior to the meeting. He first heard about these concerns from a reporter. He also stated that he agreed that details relative to the AIG Baker meeting should have been provided to all members.

Mayor Frank stated that relative to the AIG Baker proposed project, she did not think we were at a point where executive session discussion was needed, that is why she did not suggest that their presentation be made to the full council. However, she had spoken with their representative today and advised him that

further contacts should be made to Brian Shull and that he would provide details to the entire Council as they become available.

Council Member Lantz stated that in those situations, calls should be referred to the City Manager and he should decide who needs to be involved, whether it be staff or Council Members.

Mayor Frank stated that she didn't know where to draw the line. She is invited to a lot of different events and never knows when a citizen will call or come by her house or e-mail her. She did not want to get too nit-picky.

Council Member Lantz replied that he was referring to things that will affect the City and that Council decisions will have to be made on. All members need to receive all the information.

Mayor Frank stated that the meeting with AIG Baker was not a policy-related issue, it was more of a planning and timetable discussion.

Council Member Fitzgerald noted that this wasn't the first time something along these lines has come up. The problem is that there are two factions on Council and whenever one faction goes to a meeting and the other is left out there will be a problem. His suggestion was that whenever there is going to be a meeting involving City staff or involving something that is going to come before Council, one member from each faction should be included. If it happens that three member of Council are going to be showing up at a community meeting, let the media know. He also suggested that all members go back and reread the things they agreed to at the retreat. He stated that it was very important since there are two factions on Council that we keep communication to an absolute maximum. The discussion boils down to two things, one is keeping communication at a maximum and the other is openly acknowledging that there are two factions on Council and consider inviting one member from each side whenever there is a meeting or topic that will come before the Council.

Mayor Frank stated that she would look to the City Manager to make sure everyone knows about meetings and that two people can't make a decision anyway.

Council Member Lantz stated that the bottom line is that everyone needs to be included. In the instances cited, maybe council members with more expertise in those areas should have been included, but they just didn't know about it. If Council is going to talk about open government, they need to be open with each other.

Council Member Fitzgerald, Parks and Recreation Director Gucker, and Eastern Mennonite University Professor Jost presented an overview of the Blacks Run Greenway Partnership. The group started meeting in January and developed a goal to create a linear park throughout the City. Its vision is to have pedestrian and bicycle trails running through a dedicated greenway along the banks of Blacks Run. Mr. Jost explained that greenways are open corridors through a community for walking and biking that link parks, businesses, and culture to important sites. Any linear feature in a community can be transformed into a greenway. A Blacks Run Greenway will benefit the people of Harrisonburg by providing a recreational outlet for hiking, walking, jogging, and biking and all the opportunity provided by parks by connecting neighborhoods, downtown housing and businesses, and City parks. The Blacks Run Greenway will enhance safety by providing a safe off road means for children and pedestrians to travel between sites by improving access to our downtown businesses and providing an enhanced tourist profile. It will provide resources for learning about our culture and natural heritage through interpretative signage. Bob Bersson presented slides of the downtown area including the many improvements that have been made along Blacks Run. He said that downtown revitalization often uses water as its main attraction and has been successful all throughout the country. Mr. Jost said that the project should assist with the City's stated goals and vision to create attractions that all citizens should want to use in terms of quality of life and community facilities. It will encourage joint public-private involvement for citizen's requested projects and to acquire additional recreational facilities. It will provide safe convenient movement for bikes and pedestrians through the City. The Blacks Run Greenway received \$11,500 from the Virginia Department of Forestry through its urban community and forestry assistance program to conduct a more thorough corridor analysis and develop a conceptual plan. Mr. Jost requested Council's support of the Blacks Run Greenway project by providing some City staff time, availability of the City's liability policies, some maintenance assistance, City's willingness to hold easements, and would like for the project to become an extension of the Parks and Recreation Department. In terms of overall funding for the project, the partnership has received its first grant and has applied for a second grant. Mr. Jost said the greatest hope for the project is that a greenway will be created in Harrisonburg providing a primary source of community pride and a place for friends and neighbors to meet. It will also pass a jewel onto our children. Following further discussion and comments, Council Member Fitzgerald offered a motion that Council endorse the concept to encourage the continuation of this project acknowledging and supporting the participation of City staff in getting this project going and keeping it going. The motion also included that before any major expenditures go into the project they will come back to City Council and get it formally handled. The motion was approved with a unanimous vote of Council.

Mike Layman, Chairman of the Harrisonburg Parks and Recreation Golf Advisory Committee, presented an overview of a recommended fee schedule. He explained that City Council had directed the committee to make the golf course self-supporting not only from an operational standpoint, but also from a debt service standpoint. The committee also understands that this is a municipal course to benefit the citizens of the community by providing family oriented affordable golf. He also said that a limited number of season passes will be sold. The City is also committed to a First Tee program which will enable the youth of the community to learn the game of golf. The advisory committee is looking for sponsors to provide scholarships for kids who can't afford the program. Mr. Layman said that the City has a beautiful course. There are four sets of tees to accommodate every type of golfer. It will be an easy course to walk and the practice range will have 18 tee boxes. Tee times should be in 10 minute intervals so that the speed of play for 18 holes will be in the three-four hour range. It might not maximize the revenue, but it will make the game of golf more enjoyable. The City's golf course is scheduled to open in September. The committee has spent a lot of time analyzing fee structure in Virginia and other states. Mr. Layman reviewed the recommended fee schedule, offering lower fees for City residents, City businesses benefitting from City rates, season passes, tourists' fee, rounds of golf, maximize food operations, maximize driving range, and making the City's course competitive.

Parks and Recreation Director Gucker said that a marketing class at James Madison University has produced four or five marketing presentations. The group also produced radio spots, TV spots, flyers, and TV-3 will also be making a presentation for the advisory committee. She also said that City staff and Turf Drain has worked together to bring the golf course in under budget. A lot of people have volunteered their services and large construction companies have worked on the course and club house. Mrs. Gucker said that the golf course is finished and in the grow in stage. Water, fertilizer, and mowing are the three major priorities needed now.

Some discussion by Council Members relative to the proposed golf course fees included discounts for City residents, senior citizens, junior golfers and for play in off-peak hours, limiting number of season passes, reducing fees for the initial couple of months of play following the course's opening and increasing the rates for non-resident golfers. City Council suggested that the Golf Course Advisory Committee consider other options for lowering the rates and present a report to Council at a later meeting.

Tony Long a resident of the City said that he has played many municipal and private golf courses in Virginia, North Carolina, Maryland, and Florida and he has never been asked for identification. He suggested that the tourist should not be singled out to obtain higher fees.

Council Member Fitzgerald presented an overview of a proposal to appoint a committee to study pedestrian safety City-wide. He suggested forming an ad hoc committee consisting of five to seven members to study pedestrian safety issues throughout the City. He said that he hoped the committee could meet a half dozen times for perhaps three months. He proposed four questions for the committee to answer. 1) What are the most heavily used pedestrian areas of the City? 2) What safety enhancements could be made to the most heavily used pedestrian intersections? 3) Are there any areas that might be heavily used by pedestrians and bikes if changes were made. 4) What can the City do to educate individuals and make everyone more aware of pedestrians safety issues. Council Member Fitzgerald offered a motion that Leonard VanWyk, Bill Blessing and himself should be on the committee along with three to five other City residents to prepare a report to be presented at a future Council meeting. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented for Council's consideration an application from Martin Solomon applying for a Certificate of Public Convenience and Necessity to operate a College Limousine Service. He explained that the Police Department has conducted an investigation in accordance to City Code Section 14-1-1 because Mr. Solomon would like to operate a limousine service in the City. It was noted that Mr. Solomon lists on his application as having office space at 162 East Mosby Road which is not a true statement. Police Officer Deeds spoke with the owner of the Valley Kawasaki and was advised that Mr. Solomon was a salesman for Valley Kawasaki, but was not running his taxicab service out of that location.

Marty Solomon said that he has arranged to rent unused office space at Valley Kawasaki. He also said that he would be allowed to use the repair shop.

Following further discussion and comments, Vice-Mayor Peterson offered a motion to approve a Certificate of Public Convenience & Necessity. The motion was approved with a unanimous vote of Council.

City Manager Baker said that he would be presenting a number of proposed projects to be considered for funding at the Virginia Department of Transportation annual pre-allocation hearing on July 16th in Verona. Projects for inclusion in the six-year plan include four-laning portions of Cantrell Avenue, Port Republic Road, Stone Spring Road, Linda Lane, widening portions of East Market Street, South Main Street, Country Club Road, Mt. Clinton Pike, Pleasant Hill Road, and upgrading Pleasant Valley Road. In addition, the City supports widening of Interstate 81 and the associated interchange improvements in their present location. All of these projects are in the HATS study, which the City has endorsed in its entirety. The City will also request funding for our transit system at the meeting. Vice-Mayor Peterson offered a motion to support these proposed projects at the VDOT meeting in Verona. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request to modify portions of Section Five of the City's Personnel Policy Manual. He explained that these recommended changes will clarify language in the leave policy which includes holiday, compensatory time, vacation, maximum accumulation, sick leave, payment of separation, shared leave, workers' compensation, FMLA, emergency and inclement weather, absence without leave, and funeral leave. Council Member Fitzgerald offered a motion to modify these changes in the City's Personnel Manual. The motion was approved with a unanimous vote of Council.

City Treasurer Neal presented a request to charge off 1995 personal property taxes and 1980 real estate taxes. City Treasurer Neal explained that her office has tried to collect these severely delinquent taxes. The 1980 real estate tax being written off is \$38.19. The 1995 personal property taxes amount is \$79,497.58. The office has had marginal success participating in the debt set off program through the Commonwealth of Virginia. Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for transferring funds for the Social Services District. He explained that incorrect figures were received from the county when the 2000-01 budget was prepared. Approval of this request will allow the City to pay the remaining amount due from the City. Vice-Mayor Peterson offered a motion to transfer these funds.

\$1,140.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$1,140.00 approp. to: 1000-910511-47071 Expenditure of social services district

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

School Director of Business and Finance Triplett presented a request for transferring funds for the School Board. He explained these funds will be used for administration, attendance and health functions. No new additional dollars are required from City Council to make this transfer. Council Member Fitzgerald offered a motion to transfer these funds.

\$30,000 chge. to: 111114-40610 Instruction

\$30,000 approp. to: 111114-40620 Administration, Attendance & Health

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

City Manager Baker announced that the United Way would like to hold a kick-off day on September 19th on the lawn behind the Community Development Department.

City Manager Baker announced that he had received a memo from Representative Frank Wolf requesting funding for a Community Gun Violence Prosecution Program. The Commonwealth Attorney's office has applied for a \$40,000 grant to hire a full-time prosecutor dedicated to the prosecution of firearm-related violent crimes. The grant may be used to cover up to 80 percent of the salary with the local localities providing the additional 20 percent. Harrisonburg is expected to provide 10% or \$4,000 to the program for the next three years. Vice-Mayor Peterson offered a motion to approve the transfer of these funds:

\$4,000 chge. to: 1000-31010 Amount from fund balance

\$4,000 approp. to: 1000-910511-47070 Expenses of Sheriff, Courts, etc.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

City Manager Baker explained that a Rockingham County resident has requested receiving City water. The individual lives on Silver Lake Road or Route 701. He said that there are Rockingham County residents living on Silver Lake Road receiving City water. Because this property already has an existing house that is served by City water, the property in question was divided off of that existing parcel the assumption was that City water was available. The property would qualify to receive City water under the moratorium condition. Council Member Lantz offered a motion to approve this request.

Pat Spaulding, a resident of 277 Franklin Street, invited everyone to the Town Hall meeting Thursday at 6:30 p.m. in Johnson Hall in the Blessed Sacrament Catholic Church.

At 9:50 p.m., Council Member Fitzgerald offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Harrisonburg Redevelopment and Housing Authority, Community Services (Chapter 10) Board, and the Commission on Children and Youth. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to parcels of real property. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code. IN ADDITION, the purpose of the closed session is for the discussion of matters related to location of a new business in the City. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.6 of the Code.

At 10:45 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that Emily Bollman, 1112 Blue Ridge Drive, be appointed to a term on the Children and Youth Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Ricardo Castaneda, 1651 B. Park Road, be appointed to a term on the Children and Youth Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Tonya Taylor, 608 Franklin Street, be appointed to a term on the Children and Youth Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Whitney Erwin, 510 Myers Avenue, be appointed to a term on the Children and Youth Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Richard Travis, 1171 Nelson Drive, be appointed to a second term on the Community Services (Chapter 10) Board to expire on July 1, 2004. The motion was approved with a unanimous vote of Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

JULY 10, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr.; Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Vice-Mayor Peterson 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 approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner introduced a request by Spotswood Country Club, Inc., for a special use permit. The permit would allow the Country Club to construct and operate a private clubhouse and temporary clubhouse within the R-1, Single-Family Residential District. The site consisting of approximately 78 acres is located at 1980 Country Club Road. The clubhouse would be for the golf course members and outbuildings consisting of a pool and pool house all zoned R-1, Single-Family Residential District. The applicant's property was brought under the City's authority during the 1983 annexation. At the time of annexation the property was zoned to R-1, Single-Family Residential. Under the current R-1 regulations the golf course, clubhouse, and other facilities are only allowed by a special use permit. Mrs. Turner also reviewed the surrounding uses in the area. The Country Club has never applied or been approved for a special use permit, until now. Currently, the golf course, clubhouse, and other facilities are nonconforming uses. Section 10-3-20 states that "a nonconforming use shall not be extended, enlarged, reconstructed, or structurally altered. The Country Club is now looking at removing and rebuilding a larger clubhouse to provide more services for their membership. Spotswood Country Club is only requesting that they be allowed a special use permit to construct and operate a private clubhouse and temporary clubhouse for their membership in the area shown on their plan. The applicants are not asking for any other areas to be considered, except those outlined in the special use permit plan. She said that Planning Commission recommended approval provided that the building is located within the parameter of the site plan submitted as part of the application. This will give the Country Club the flexibility to move the building around to keep it in the general location of where the existing club is located.

At 7:36 p.m., Mayor Frank 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 25, and Monday, July 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, July 10, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Public hearing to consider a request by Spotswood Country Club, Inc., with representative Stephen T. Heitz, for a special use permit {Section 10-3-34 (4)} to construct and operate a private clubhouse and temporary clubhouse within the R-1, Single-Family Residential District. The site is located on tax map parcel 73-B-1 (approximately 78 acres) and is located at 1980 Country Club Road.

Section 10-3-34 (4) of the Zoning Ordinance allows the following only by special use permit: private clubs and golf courses.

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

John Nevin, attorney for the applicant, said that he didn't have anything to add to the summary presented by Mrs. Turner. Joseph Funkhouser, a member of Spotswood Country Club, and a member of the building committee, discussed the need for building a new structure because of the age of the current facility. The new construction would be only slightly larger than the original building and in basically the same location as the present structure. The construction will last no longer than 9 to 10 months. Construction should start by the end of this summer and be completed by the end of the next summer. 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 Fitzgerald offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Abstained - Council Member Lantz
Council Member Rogers

Absent - None

Planning and Community Development Director Turner introduced a request to consider adding an ordinance to the Zoning Ordinance, Article U. She also explained that a statement would be added to Section 10-3-123 of the Zoning Ordinance requiring proffers as part of a rezoning to be recorded at the office of the Clerk of Circuit Court. Mrs. Turner said that when an applicant is making proffers as part of a rezoning and intends to have more restrictions than what the zoning allows, those restrictions transfer with the property. However, when the property is being transferred and someone reviews the original proffer, the conditional zoning might be overlooked. It was a concern that people notice the conditional zoning up front and if it was recorded in the office of the Clerk of Circuit Court, it would be noticed every time the property changed hands. The language in Section 10-3-123 would read: A certified copy of all ordinances accepting proffered conditions, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of clerk of the circuit court within thirty (30) days of Council approval. She said that Planning Commission recommended approval. She also said prior to tonight meeting, City Attorney Miller had mentioned that the local bar association real estate committee may want to review the language in Section 10-3-123.

City Attorney Miller said that he would make the members of the local bar association real estate committee aware of the proposed language in Section 10-3-123.

At 7:43 p.m., Mayor Frank 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 25, and Monday, July 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, July 10, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider an amending the Zoning Ordinance, by adding the following to Article U. Amendments and Changes, Section 10-3-123.

- (d) A certified copy of all ordinances accepting proffered conditions, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the clerk of the circuit court within thirty (30) days from approval of City Council.**

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG**Roger D. Baker****City Manager**

Mayor Frank called on anyone desiring to speak for or against amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this ordinance amendment for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent: None

Public Works Director Baker presented an overview of the City's current regulations for solid waste collection. He said City residents participate approximately 80% in the volunteer recycling program. The City's curb side recycling program provides a collection for glass, aluminum, steel/tin, plastic (with the number one or two on the bottom) and miscellaneous metal. In addition, there is a "white goods" collection once a month which includes refrigerators, stoves, appliances, and other household items. Mr. Baker reviewed the "white goods" collection schedule. The City encourages recycling household batteries and automobile wet cell batteries. These items can be placed beside the recycling bin on regular recycling day. Dry cell household batteries should be placed in a clear wrapper and then placed in the recycling bin. Newspaper stacked neatly with a string tie or placed in brown paper bags will be picked up on recycling day. Wet or damp newspaper is not acceptable. Used motor oil which is placed in a leak-proof container and labeled will be used by the City for heating in some of the public works buildings and public transit building during the winter months. The City also offers a special pick up of cardboard boxes for people who have just moved, if they contact the public works department. Mr. Baker reviewed the City's guidelines for refuse collection which includes containers placed at back of the curb or at the property line by 7:00 a.m. on collection day and not before 4:00 p.m. of the previous day, and all refuse should be in non-leaking containers. The maximum weight per container is 75 pounds or 35-gallon capacity (limit of five 35-gallon containers). If City residents have more than five 35-gallon containers on refuse collection day, customers can buy stickers allowing more trash to be taken away when needed. The stickers cost \$1.00 each and can be purchased at the City Treasurer's office or the Public Works office. Mr. Baker also said that anytime a citizen signs up for new water and sewer service they will receive a packet of information. On July 1st the residential refuse collection fee was increased to \$10.00 per month. Every Wednesday leaves, brush or grass is picked up throughout the City; however, the yard debris is limited to five units. The only time the limit is lifted on leaves is during the fall when the leaf collection program is in effect.

Charles Chenault, a member of the Golf Course Advisory Committee, presented an overview of a final recommended fee schedule for the Harrisonburg Municipal Golf Course which was endorsed unanimously by the full Golf Course Advisory Committee. Mr. Chenault introduced several members of the committee including Reg Foucar-Szocki, Chuck Farthing, Pam Dubose, and David Wigginton representing the Parks and Recreation Department. This final submission is a one tier schedule except for season passes. He said, "The rates were lowered and are very competitive with other golf courses, but yet are sufficient to pay the operational cost of the course and to cover the debt service. This final submitted schedule was adopted with the idea that rates would be used to encourage volume of play and not the regulation of the use of the course. Mr. Chenault requested that Council approve the final submitted recommended fee schedule. The City's golf course is scheduled to open September 29, 2001. Following further discussion and comments, Council Member Fitzgerald offered a motion to approve the submitted fee schedule. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent: None

Council Member Fitzgerald offered a motion to approve a performance contract between Harrisonburg-Rockingham Community Services Board and Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services. The motion was approved with a unanimous vote of Council.

City Manager Baker explained that the Retail Merchants Association has requested blocking certain streets around Court Square on August 25 for an Arts and Craft Show and Cruise-In. 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 Fitzgerald offered a motion to close a portion of Court Square on August 25. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation of funds encumbered at June 30, 2001. He explained that these funds are for purchase orders out of last year's budget for a variety of goods and/or services. Vice-Mayor Peterson offered a motion to approve this request for a first reading, and that:

\$291,658.28 chge. to: 1000-31010 Amount from fund balance
 47,008.00 chge. to: 2013-31010 Amount from fund balance
 19,997.00 chge. to: 2111-31010 Amount from fund balance

\$ 2,500.00 approp. to: 1000-120111-45530 City Manager

2,400.00 approp. to: 1000-130114-46140 Electoral Board
 3,696.00 approp. to: 1000-320232-48114 Fire Suppression
 10,525.00 approp. to: 1000-410241-43140 Highway and Street Maintenance
 79,133.98 approp. to: 1000-410241-48297 Highway and Street Maintenance
 89,437.50 approp. to: 1000-410241-48294 Highway and Street Maintenance
 1,951.00 approp. to: 1000-710171-43100 Parks and Recreation Administration
 64,162.00 approp. to: 1000-710171-48181 Parks and Recreation Administration
 119.26 approp. to: 1000-710571-45110 National Guard Armory
 3,825.79 approp. to: 1000-710771-48181 Westover Pool
 474.00 approp. to: 1000-710771-48184 Westover Pool
 5,150.00 approp. to: 1000-710771-48211 Westover Pool
 23,800.00 approp. to: 1000-710871-48184 Athletic Complex
 4,483.75 approp. to: 1000-810521-43600 Economic Development

1,800.00 approp. to: 2013-872081-48121 Capital Outlay
 45,208.00 approp. to: 2013-872081-48253 Capital Outlay
 19,997.00 approp. to: 2111-672141-48111 Capital Outlay

\$14,139.21 chge. to: 1000-31010 Amount from fund balance

\$1,749.00 approp. to: 1000-430221-43330 Maintenance & repairs - Machinery
 & equipment
 525.87 approp. to: 1000-710171-43320 Service contracts
 1,442.50 approp. to: 1000-710171-43600 Advertisement
 3,308.25 approp. to: 1000-710171-46130 Recreational supplies
 1,955.49 approp. to: 1000-710171-48181 Buildings and grounds
 5,158.10 approp. to: 1000-810521-43134 Laborer Market & Training survey

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent: None

Council Member Lantz said that the Deer Population Task Force met on July 9th to discuss whether the City wanted to participate in the special archery season. He said that the State Game and Inland Fishery passed a law for a special archery season. If a locality wanted to participate, it will need to notify the State Game and Inland Fishery. The Deer Population Task Force has decided that Harrisonburg does not have a deer problem at this time and will not participate in the special archery season.

At 8:26 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Community Services (Chapter 10) Board, Convention & Visitors Bureau Advisory Board, Social Services Advisory Board, and the Shenandoah Valley Partnership Board of Directors. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the closed session will be for the purpose of discussing and considering personnel matters. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the closed session will be for the purpose of discussing a prospective business or industry interested in locating or expanding its facility in Harrisonburg. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.5 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the closed session will be for the purpose of considering the purchase of real estate permissible pursuant to 2.1-344.A.7.

At 9:45 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

✓ Vice-Mayor Peterson offered a motion that Phyllis Wong, 447 Northfield Court, be appointed to a term on the Social Services Advisory Board to expire on July 1, 2005. The motion was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that Larry Rogers, 455 Andergren Drive, be appointed to another term on the Convention & Visitors Bureau Advisory Board to expire on June 30, 2004. The motion was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that City Manager Roger Baker, 524 Paul Street, be appointed to a term on the Shenandoah Valley Partnership - Board of Directors to expire on June 30, 2003. The motion was approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING

JULY 24, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Assistant City Manager Kurt Hodgen introduced eight new City Employees; Dawn Charlton, James Fetterman, Lindsay Hockensmith, Michael Sherman, Police Department; Cindy Fitzwater, Treasurer's Office; Walter Grim, Mark Thomas, Public Works Department; and Willard Comer, Transportation Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several encumbrances and an ordinance amending Section 10-3-123 of the Zoning Ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

✓ Vice-Mayor Peterson presented an overview on the proposed changes to the City Charter. Mr. Peterson also proposed holding a public forum at the August 14th City Council meeting to discuss the changes. He reviewed the four proposals: 1) This change would allow citizens to vote on critical decisions made by the City Council. After the second reading is held, in order to bring an issue to a vote, a petition with 10 percent of registered voters would have to be submitted. The amendment would not allow voters the right to seek a referendum on budget and tax issues, or zoning. 2) This change would allow voters to recall a Council Member. Fifteen percent of registered voters, as opposed to 10 percent for referendum, would have to sign a petition to force a special election. 3) This amendment would change the terms of Council Members to make a majority of the Council seek re-election every two years. Under the terms of the proposal, the top two vote-getters in any election would win a four-year term, while the third vote-getter would win a two-year term. 4) Any Council Member who is appointed to fill a term should only hold the office until the next election. Council Member Rogers said, "I am wondering what is broke and why

is it necessary to have an amendment change.” Mr. Rogers also expressed concern how potential businesses relocating in Harrisonburg would view the stability of the City Council. Vice-Mayor Peterson answered that the inability of residents to change the direction of a Council is broken. He said, “My proposal would allow residents a greater “veto power” over the City Council.” Council Member Lantz said, “I am concerned about changing the terms of office. During my first year in office I was “ineffective” as I was learning the job.” A Council Member with a two-year term is likely to spend the first year learning and the second campaigning for another term. Following further discussion and comments, it was noted that these changes to the City Charter will appear in “City Hall Update” which will be printed in Daily News-Record on August 10th and a public forum will be held at the August 14th City Council meeting.

✓ City Treasurer Neal presented a request to authorize the advertising of delinquent real estate taxes for 1998/99 and 1999/2000. Council Member Fitzgerald offered a motion to authorize the City Treasurer to advertise the delinquent real estate taxes. The motion was approved with a unanimous vote of Council.

✓ City Manager Baker presented for Council’s consideration a request to declare certain right-of-ways abandoned. He said that VDOT is in the process of disposing of a portion of its surplus right-of-ways which were part of a project of the old Route 33 at the corner of East Market Street and Vine Street (construction project 1982-10, plan file #A5725, Sheet 32) and Switchboard Road (State Road 910) (construction project 0033-115-102, RW201). The property is no longer used because of the relocation of East Market Street and West Market Street. Vice-Mayor Peterson offered a motion to declare these right-of-ways abandoned. The motion was approved with a unanimous vote of Council.

✓ City Manager Baker presented a request for additional funding for the Virginia Quilt Museum. He explained that the museum is doing some remodeling of the building and during the process of replacing the floor in the basement discovered it was infested with termites. The Quilt Museum does not have enough funding to replace the floor. Council Member Fitzgerald offered a motion to approve the funding for the repairs.

\$10,000 chge. to: 1000-940111-49130 Reserve for contingencies

\$10,000 approp. to: 1000-910411-45886 Quilt Museum

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

City Manager Baker presented for Council's consideration a request from the Harrisonburg Rescue Squad for additional funding for the new squad building on Reservoir Street. He explained that the Rescue Squad Site Selection Committee has selected a new squad location. Since the new site will cost more, the rescue squad is seeking additional funding from the City. Currently the rescue squad is receiving \$20,000, but have requested an additional \$84,000 for a total of \$104,000 to help with acquiring the land and building the facility. Mr. Baker said that the City is willing to make a commitment to provide the additional funding, but wanted a performance agreement with the rescue squad. He said that the rescue squad is willing to provide information on how it operates and account for the additional funding. Mr. Baker noted that if the rescue squad becomes defunct, two of the rescue squads' ambulances and the building will revert back to the City. Following further discussion and comments, Council Member Lantz offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent - None

City Manager Baker said that the Rockingham County Fair Association has requested bus service during fair week to help with over crowded parking conditions. The City will also assist in paving a portion of the road leading into the fair grounds.

Assistant City Manager Hodgen explained that the new golf course being built in Harrisonburg does not have a name. He said it was widely assumed that the course would simply be called the Harrisonburg Municipal Golf Course. However, the Parks and Recreation staff and members of the golf course committee said that a better name was needed. It was mentioned that many golfers, when they hear municipal golf course think low maintenance and low budget. Since the golf course is scheduled to open in late September signs will need to be erected before the opening. The Golf Course Advisory Committee has suggested having a contest to name the course with an unspecified prize made available for the winner. The winner could be announced at the next City Council meeting.

Mike Layman, chairman of the Golf Course Advisory Committee, said that the committee is struggling to overcome the departure of the Director of Parks and Recreation. He said, "With the director leaving at a crucial time of the golf course we think we can't bring the product you want without an expanded committee. The committee is also trying to cover the bases for a golf director until one is hired. He suggested that the committee needed to be expanded to nine (9) members. Following further discussion and comments, Council Member Lantz offered a motion to approve adding Stan Gray, Jerry Klos, James Robinson, and Antoine Lucas, to the Golf Course Advisory Committee and also approve minor revisions to the committee's charter. The motion was approved with a unanimous vote of Council. Council Member Rogers also agreed to attend the meetings temporarily as a liaison from City Council.

✓ Council Member Fitzgerald offered a motion that Elroy Miller, 1401 North College Avenue, be appointed to an unexpired term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2004. The motion was approved with a unanimous vote of Council.

At 8:35 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Community Services (Chapter 10) Board. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). The closed session is also for the purpose of considering the acquisition of real estate. A closed session is possible for this purpose pursuant to Section 2.1-344.A.3 of the Code. The closed session is also for the purpose of considering the location or relocation of new business in Harrisonburg pursuant to Section 2.1-344.A.5 of the Code of Virginia (1950), as amended (the Code).

At 10:35 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 10:36 p.m., there being no further business and on motion adopted the meeting was adjourned.

Lynne Ryan McInnes
CLERK)

Carolyn W. Frank
MAYOR

REGULAR MEETING

AUGUST 14, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Mayor Frank delivered the invocation led everyone in the Pledge of Allegiance.

Council Member Fitzgerald 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 recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by Triad Engineering for a special use permit. She explained that the applicant is requesting to construct and occupy additional professional office space for new employees within the M-1 General Industrial District. Triad Engineering is located at 971 Acorn Drive. Mrs. Turner reviewed the surrounding uses in the area. The proposed structure is a twelve by twenty-four foot manufactured trailer and is to be located at the rear of their property directly behind the main office facility. She said that Planning Commission recommended approval.

At 7:38 p.m., Mayor Frank 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 30, and Monday, August 6, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, August 14, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Public hearing to consider a request by Triad Engineering, Inc., for a special use permit {Section 10-3-97 (3)} to allow for additional professional office space for new employees, within the M-1, General Industrial District. The site is located on tax map parcels 56-C-5 (84,291 Square Feet) and is located at 971 Acorn Drive.

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least (5) five days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

Matt Robinson, a landscape architect with Triad Engineering, said that he was speaking in favor of the special use permit and was available to answer questions. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request to amend Section 10-3-41, Section 10-3-47, and Section 10-3-53 of the Harrisonburg City Code. She explained that this is amendment is for area and dimensional regulations to increase the maximum number of stories permitted for Single-Family and Two-Family home uses from two to three. This is not a request for an increase in height, but to allow three stories within the 35 feet of height allowed. Currently in the R-2, R-3, and R-4 zoning classifications Single-Family and Two-Family homes are restricted to two stories, but in the R-3 and R-4 zoning classifications, and other multi-family and townhouse structures it can be three stories. She said that Planning Commission recommended approval of the request.

At 7:40 p.m., Mayor Frank 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 30, and Monday, August 6, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, August 14, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider amending Article I. R-2, Residential District, Section 10-3-41; Article J. R-3, Multiple Dwelling Residential District, Section 10-3-47; and Article K. R-4, Planned Unit Residential District, Section 10-3-53, Area and dimensional regulations to increase the maximum number of stories permitted for Single-Family and Two-Family uses from two to three.

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least (5) five days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against amending these ordinances. 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 Peterson offered a motion to amend these ordinances. The recorded roll call vote

was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Commissioner of Revenue Hosaflook presented a request for a supplemental appropriation. She explained that these funds would be used for three software modifications to the current Pentamation Computer System which is used for tax accounting and billing. The highest cost estimate is \$21,000 and \$3,150 will be needed for the annual support of the modifications. These three modifications will include the third party decal vehicle applications, elderly exemption with maximum exemption amount, and efficiency customer service request. Vice-Mayor Peterson offered a motion to approve this request for a first reading.

\$24,150.00 chge. to: 1000-31010 Amount from fund balance

\$ 3,150.00 chge. to: 1000-122011-43320 Maintenance Agreements

21,000.00 chge. to: 1000-122011-48273 Software

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Vice-Mayor Peterson said he had originally proposed four charter amendments. However, his proposal to change City Council terms so a majority is elected every two years has become very controversial. Dr. Peterson said, I am willing to remove it. The three remaining proposals concern charter amendments, referendum, recall, and filling vacancies on Council.

At 7:50 p.m., Mayor Frank opened the public forum.

George Rontopoulos said that he had discussed the Council terms with a lot of people. He said that the three new members sitting on City Council after last year's election is a perfect example that the charter works as it is. He said, "I don't think that a change is necessary, I think that we should leave it the way that it is."

Ben Fordney said that he was in favor of the proposed amendments. There seems to be a perception on the part of many that amending this charter as Vice-Mayor Peterson has suggested, placing a referendum before voters and permit the recall of a City official are new and radical proposals; however, history teaches that it is not. The progressive movement was looking for ways to reform the political system and to increase the voice of the people in the early 1900's. He said, We didn't elect our senators in this country until 1913 with the 17th amendment. All of these things are designed to give voters the ability to take on specific proposals. Sometimes representatives don't always follow the will of the people and if they don't, it takes four years to rectify that situation. He said, Let the people of this community decide whether or not they want these charter amendments.

Margaret Haynes said that she appreciated the opportunity to speak about the charter amendments. However, she noted that it was her understanding that the decision had been made and the charter amendments will be going on the ballot in November. This would not be open government. She said, I am disappointed to have already heard this evening that this is being rushed through because there is a deadline. I don't believe that local government is something that we should rush. I am not opposed to the charter being changed because I have been asking for different charter changes off and on during the last 20 years. But, I am deeply, deeply, troubled by the idea of placing important non-partisan local issues on a very partisan state wide ballot in such a short time. She said that making a change when a vacancy occurs on Council to allow the appointment by remaining members of Council and only until the next election was a good change. But, she said, I am deeply trouble by referendum. While we all enjoy living in a democratic society, we live in a republic, and we live under representative government. A representative government elects people to make decisions for us. The people elected to represent us have a lot more information and an understanding of specific issues than the general public has. Government by referendum is a California style of government and is not appropriate for Harrisonburg. Leadership can be changed through the current electoral process. At the very least with that proposed change, 10% of the registered voters is a very shallow threshold. That would only be about 1,500 people. She said, I believe recall of Council Members is unnecessary and it makes people less effective in representative government. If you truly, as a group, want citizen participation, then the process of requesting charter changes needs to be worked on by a variety of interested people representing various points of view. She also suggested several other possible changes in the charter should be considered including perhaps increasing the number of Council Members to seven, consider electing the Council Members by districts or precincts, and let the people decide who will be elected mayor. You can't run to the General Assembly every time somebody comes up with a new idea. I am asking you to slow down and consider forming a focus group to solicit ideas and input from the entire town. Lets truly make this open government with full citizen involvement. Let's look at all of our options before we rush ahead and meet a deadline. Let's be sure we have all of our ducks in a row before placing anything on a ballot and I strongly object to rushing forward and putting it on a November statewide partisan ballot. She said time is needed to educate people before something is being introduced and placed on the ballot.

Bucky Berry said it time for Council Members to get along before considering changes in the charter.

William Painter, a resident living at 80 Perry Street, said that he was opposed to changing the City charter because it would be major change in Harrisonburg's government. He said, If the majority of Council Members feel you have an obligation because of campaign promises, then I can honor that. However, I don't think 80 days is sufficient time for public discussion. If you feel these changes must be presented to the voters, I would hope it could be at a local election where there would be more lead time, more time for in-depth discussion around the community.

John Wood, a resident living at 1340 Hillcrest Drive, said that even though Vice-Mayor Peterson has made known his wishes to make these charter amendments, this is the first meeting that City Council has invited the public to make a formal statement about it.

At 8:14 p.m., Mayor Frank closed the public forum.

Vice-Mayor Peterson said that he had provided a preliminary draft of these proposals charter amendment changes to other Council Members and hoped everyone had an opportunity to review the amendment proposals. He also said that these proposed changes appeared in the Daily New Record. The biggest benefit in these proposed amendments will be if Council decides to do something that they think might be conversational, Council will be more careful to make sure that the public participates in the preparation. He said, I think that is what we should be doing all the time anyway. But, having the referendum provisions in the charter at least assures Council will not be making big decisions without public involvement. Before the last election, City Council went off on a project and there was no legal way the citizens could prevent it.

Council Member Lantz said that he was opposed to all of the proposed charter amendments. He commented that the proposal to recall a Council Member would not change how the City operates because one Council Member cannot dictate the way the City operates, nor can two Council Members change anything. If a Council Member is not performing for some reason, it will not influence the decision made by a body of five people. If it was wrong to elect three new people to Council, than shame on the voters and they should do a better job at the next election. People are elected to do a job for four years and they should be allowed to that. We have had enough division in the City during the past year including issues concerning schools, a golf course, and charter amendments. This is one more issue that will split this City. Mr. Lantz said, I don't see the real need for it. A referendum sounds good to the public, but we don't have a voice in the decisions made by Federal government regarding sending food to a foreign country or invading another country because we don't have the knowledge about these issues. When I became a Council Member seven years ago, I thought I knew a little about what was going on in the City, and I was dead wrong. It is only when you sit at this table and in this chair, receive a Council packet that usually contains 70 pages or more for every meeting, do you have the knowledge to decide what is best for the City. We are governed by representative government. If the City had a referendum in place when decisions were made about constructing Switzer Dam or building a new recreation facility, I doubt if we would have a sufficient water supply or a recreation department. The average citizen has the capability of making these decisions if you have the knowledge, but unfortunately you are not involved. We are moving too fast and this City is not ready for something that is so radical. Mr. Lantz reiterated that some members on this City Council were not letting citizens get involved, not allowing citizen input, not allowing committees to form, and not having an open government. He said, I don't believe the average citizen understands the ramifications of referendum and recall. We have not done a good job of getting the information out to the public. Mr. Lantz also said that in many national elections, he did not understand the many amendments placed on the ballots.

Council Member Rogers commented that he understood these proposed charter amendments were very important to Vice-Mayor Peterson, but the average citizen did not understand the ramifications. All of the decisions this Council makes are big and depend on individual involvement. One speaker pointed out that this is the first time the public has been given an opportunity to speak on this matter. Every Council Member should sit in these chairs for several years before thinking about changing the function of the charter. The voters may have disagreed with the process of the golf course, but they didn't vote to have the government turned upside down.

City Attorney Miller commented the charter of a City is compatible to its constitution. It is not exactly a constitution, but it is compatible. He said, I would make the observation that historically when something as basic and foundational as a constitution is going to be examined, a tremendous amount of preliminary discussion takes place prior to an up or down vote. It needs to be an up or down vote. There should be no shades of gray in a referendum vote. People will vote yes or no. Before you put people in that position, history would teach that you give folks quite a bit of opportunity to run through all the shades of gray. He said, Saying that we are going to put it to a vote in November is letting the citizens speak may be an oversimplification of what will take place in November.

Mayor Frank said that these amendment changes will be on the August 28th City Council agenda. If the amendments are approved by Council, the amendments will be placed on the ballot in the November 2001 election. If voters accept the amendments, the issue must then be considered by the Virginia General Assembly.

Planning and Community Development Director Turner introduced a request by Hope Community Builders, Inc., for a variance to the requirement that all lots front on a public street. She explained that the applicant is requesting approval of a preliminary subdivision plat with a variance for four lots that would not front on a public street. This parcel contains 2.041 acres and is located at the intersection of Kelley Street and Tower Street. It is zoned R-2 General Residential District and is surrounded by several different uses. On December 17, 1991, the City Council approved a preliminary plat for the Tower/Kelley Subdivision, which created six lots within the R-2, Residential District. The lots were then deeded from the City of Harrisonburg to the Harrisonburg Redevelopment and Housing Authority (HRHA) to construct development of low and moderate income housing. However, the HRHA did not construct the units and has passed the above parcels to Hope Community Builders for development. The current request from Hope Community Builders is to re-subdivide the lots into a total of 11 single-family home lots for low and moderate income housing. Eight of these lots front on Kelley Street and three front on Tower Street, but lots 3, 4, 7, and 8 that front on Kelley Street do not meet the R-2, Residential District dimensional requirements. The property is located on a corner lot and because of its depth is not larger enough to put a public street in and still allow 11 single-family home lots. The size of the lot would restrict the ability of the applicant to establish enough lots to make affordable housing an option. The applicant has requested to develop a subdivision with four lots that would not front on a public street, but would be served by easements across lots in front of them to get to the public street. When the request was presented at the Planning Commission meeting, Commissioners asked the applicant to change the configuration to avoid having lots behind lots. The applicant agreed to change the lots so the lots could be accessed directly by easements across the lots in front of them. The lots were designed to share drive-ways with the lots in front of them and would existing easements. Hope Community Builders amended the plat. She said that Planning Commission recommended approval of the request. Following further discussion and comments, Council Member Fitzgerald offered a motion to approve this request as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

No - Mayor Frank

Absent - None

Planning and Community Development Director Turner presented a request by Eldon F. & Susan B. Layman for a variance to the requirement that all lots front on a public street. She explained that this a request for a two-lot subdivision located in the 900 block of South High Street. Subdivisions that don't include requests for variances do not come before City Council. This is a request to subdivide 23,343 square feet located in the 900 block of South High Street into two single family lots. This property is zoned R-1, Single-Family

Residential District and B-2 General Business District, but it is not where the applicant is desiring to construct a single family home. She reviewed the surrounding uses in the area. The site has one single-family house and is larger than the City requires for R-1. It currently does not have frontage on a public street. This property is served by a private driveway that accesses South High Street. Mr. Layman would like to use the area at the rear to construct an additional single-family home. He currently owns and rents the house that is already on the property. The Subdivision Ordinance, Section 10-2-2, variance states that, where a subdivider can show that a provision of this chapter would cause an unnecessary hardship if strictly adhered to, because of topographical or other conditions peculiar to the site...the City Council may authorize a variance. Mr. Layman has sited in his letter that he believes this property has a hardship because of the unusually deep lots, the configuration of Toppin Boulevard, and the topography of the neighborhood, that the lot was missed by the public streets. She said that Planning Commission recommended approval of this subdivision with the associated variance. Council Member Rogers offered a motion to approve this request as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

No - Mayor Frank

Absent - None

City Manager Baker presented an overview on securing the services of an investment banker. Mr. Baker explained that the City has several major projects to consider including a new public safety building, constructing a new high school, constructing a new water line from the Shenandoah River's South Fork, and rebuilding the City steam plant. These projects could total more than \$80 million. The City would have to borrow some of the money through bonds for the projects. Mr. Baker said, "I believe it would be prudent for the City to contract with an investment banker for financial guidance. If the City decides to go through the VPSA process, a public hearing will have to be held and pass a resolution which could lock the City into a bond sale in October. If an investment banker is used, the schedule would be more flexible to fund a school if the citizens haven't enough input."

City Manager Baker presented a request to temporarily close a portion of Franklin Street for neighborhood block party on Sunday, August 26th from 2:00 p.m. until 5:00 p.m. He explained that City staff has been reluctant to recommend closing a street for a block party in the past because residents could not obtain a \$2 million certificate of insurance to protect it from liability. However, the residents of the 200 block of Franklin Street have followed the procedures and obtained the necessary insurance.

Mac Nichols, a resident living at 217 Franklin Street, explained that the residents would like to close a portion of Franklin Street for a neighborhood block party in an attempt to get their neighbors together to celebrate the end of summer and increase the sense of community in the neighborhood. Mr. Nichols said that the residents are willing to erect barricades and keep an emergency lane open on the street. Council Member Rogers offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration amending Code Section 1-1-12

of the Harrisonburg City Code. He explained that each locality is mandated by state and federal law to reprecinct every ten years based on the census information. The Electoral Board has proposed keeping the East and West wards divided by Main Street, but is proposing adding an additional precinct on the East side of the City. Most of the growth in the last ten years has occurred on the East side of the City. The Electoral Board has suggested utilizing Stone Spring School as a new polling place on the East side of the City. Currently the East side of the City is using Spotswood Elementary School and the Simms building as polling places. The West side of the City will continue with two precincts with Keister and Waterman Elementary Schools used as polling places. Following further discussion and comments, Council Member Fitzgerald offered a motion to establish the five precincts and amend Section 1-1-12 of the Harrisonburg City Code for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Police Captain Wilfong presented a request to amend Section 5-5-12 of the Harrisonburg City Code. He explained that this section refers to eligibility requirements in becoming a member of the Auxiliary Police Force. He said that the existing language was too restricting. The language would be changed to read any citizen of the United States who is a resident, *business owner or employed in* the City of Harrisonburg, Virginia and who is between the ages of twenty-one (21) and seventy-five (75) shall be eligible to make application to become a member of the Auxiliary Police Force. Council Member Fitzgerald offered a motion to approve this request for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds were received from interest that was earned on the VPSA bond. The funds were used for renovation purposes. Council Member Fitzgerald offered a motion to approve this request.

\$8,817.67 chge. to: 1311-31010 Amount from Fund Balance

4,554.44 chge. to: 1311-31513 Invest earnings

\$13,372.11 approp. to: 1311-910114-48690 Repairs to Elementary Schools

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these grant funds would be used for in-car video cameras. Vice-Mayor Peterson offered a motion to approve this request for a first reading, and that:

\$1,795.53 chge. to: 1000-31010 Amount from fund balance

\$1,795.53 approp. to: 1000-310231 48211 Machinery & equipment (new)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these grant funds will be used to purchase bulletproof vests for officers. Vice-Mayor Peterson offered a motion to approve this request.

\$7,144.10 chg. to: 1000-31010 Amount from fund balance

\$7,144.10 approp. to: 1000-310231-48140 Bullet proof vests

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these grant funds will be used to purchase police equipment. Vice-Mayor Peterson offered a motion to approve this request.

\$5,958.94 chge. to: 1000-31010 Amount from fund balance

\$5,958.94 approp. to: 1000-310331-48211 Machinery & equipment (new)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

George Rontopoulos said that he was concerned about people living in the City paying high gas bills to heat their homes. He said that some residents were experiencing high delivery charges on gas during the summer. He also noted that taxes had increased on the telephones bills. Many residents of the City living on a fixed income cannot afford these increases.

Naomi Curry, a resident of 408 Lee Avenue, said decisions that must be made by City Council concerning spending taxpayer money must be difficult. She said if City Council was considering borrowing about \$80 million for upcoming projects for the City, she wanted some of the money spent on renovations at the Simms School. She said, I want some of my tax dollars spent in the community I care about.

Bucky Berry, said that Colonel Harper was the best Police Chief the City has ever had. He also said, City Council is not allocating enough money for the Police Department. More money needs to be provided to hire more police officers.

David Ehrenpreis, a resident of Franklin Street, said that steps needed to be taken to improve the overcrowding in the schools. The long range school plan does make sense, but he questioned how it will be managed. He urged City Council to get citizens involved in the planning process.

Council Member Lantz commented that City Council does not endorse the School Board's long range plan. Mr. Lantz said, We have never endorsed it and will not endorse it. The School Board is requesting that City Council appropriate \$40 million for building a new high school. The State Constitution does not allow local government to have the authority to make decisions concerning the configuration.

City Attorney Miller said that City Council only had so much authority in these issues and is following the law.

Chuck Heckman, a resident living at 1555 Shank Drive, questioned who would be looking at the overall plan because it would affect the entire community.

Paul Riner said he was concerned that people who oppose the School Board's plan have been referring to the school as a mega school. He said that a 1,300 to 1,500 student school is not a mega school, but it will be an AAA school. The question is not the configuration of the school, but whether a new high school is needed. The current high school is overcrowded. He also noted that it is hard for teachers to come forward and speak out.

Emily Sargent-Beasley, a resident living at 340 Dixie Avenue, said that teachers need to get involved in the process. She said that everybody has a different perspective on this issue. If the high school is built, it will influence the configuration of the other schools. She said, "I don't think that anybody is saying we don't need a new high school, but rather we are saying before we build that high school or before we change that high school, we need to look and see what is going to follow." The teachers care so much about these students.

Adam Sharp, a resident living at 432 East Rock Street, said that "I believe as a City Council you may not have the ability or the jurisdiction under Virginia law to set School Board policy, but I do feel that you as the holder of the checkbook have a role. It is not to say we don't like this or maybe we do like this, but simply to say let's make sure we can get the most for what we are spending. The City of Harrisonburg would be better served by two high school buildings. The only new sports facility's Harrisonburg High School needs are a new gym, soccer fields and possibly a softball field. We don't need a new football field. More than 1,500 students are a lot of people. We want the most options for our dollars."

Hadley Jenner, a resident living at 1021 Taliaferro Drive, said that he was concerned about the big rush and asked if the City could slow down. "The process is too relaxed about different groups in the City. The School Board may be tired of hearing this, but I think the amount of consideration that was given to the plan for setting up the 4th and 5th grade centers was insufficient. Where is the educational research to back what the school board is putting forward? Does the City Council really want to be rushed to judgement and pay for something that isn't thoroughly considered? I am asking you to slow down and to consider an item of educational quality at less cost with a better process. We have choices and I think that we can make them."

Council Member Rogers said that City Council has an opportunity to renovate the former Lucy Simms School and make it into a learning center that will benefit many people. He proposed adding more funding for building renovations. "The City has made a significant investment in the historically segregated part of town, but many black people who live in northeastern Harrisonburg have felt ignored by the City."

Council Member Lantz said that the Simms building is a City asset and we need to maintain it. He questioned if we really know what we want the building to be used for before we put \$2 ½ million into it.

Vice-Mayor Peterson commented there are many renovations that can be done to preserve the structure of the building.

Ken Handrich, a resident living at 610 Broad Street, said that he was involved in the Troyer Group Study on the building so that we know what the major costs are going to be to renovate the Simms building. He said that some long range funding sources need to be identified for the building. He said that many groups and people need to have a voice in the decision being made for a long range plan of the building.

Assistant City Manager Hodgen presented for Council's consideration two names recommended by the Golf Course Advisory Committee. He said that out of over 250 names submitted, a list of 20 names were selected. The top two selections were for the golf course were Heritage Oaks and Deer Tracks. Council Member Fitzgerald offered a motion to accept the Golf Course Advisory Committee first choice of Heritage Oaks. The motion was approved with a unanimous vote of Council.

At 10:36 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

AUGUST 28, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Human Resource Director Whistleman introduced four new City employees: Eric Lee Hummel, Police Department; Lee Mills, Transportation Department; Dale Ringgold, Public Utilities Department; and Chad Siever, Fire Department.

Council Member Fitzgerald offered a motion to approve the minutes on the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the Police Department, School Board and the Commissioner of Revenue office. The motion also included amending an ordinance amending Section 5-5-12 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Allison Coonley, Harrisonburg-Rockingham Convention and Visitors Bureau Director, introduced herself to City Council and presented a brief report on the activities of the bureau. She explained that as the new director of the bureau she was focusing on advertising, organizing and increasing information provided by the center to the public. She is also developing a new web site, marketing motor coach tourism, and writing grants to supplement the bureau funding.

City Manager Baker said that Simms School Use Committee has met several times. The research committee has determined that renovations are definitely needed regardless of the use of the building.

John Stall, a resident of 409 Summit Street, said that he would like to see the Simms building benefit the entire community. He said that many of the proposed functions for the school are not bad functions, but they are not adequate to meet the needs of the community. The latest census listed many children under the age of 18 living in the Simms School area. He said if the school cannot be developed as a public school perhaps it could become a private school because the children of the community deserve a school.

Chuck Heckman, a resident of 1555 Shank Drive and a member of the Education Committee of CHANGE, said that members of the City Council have a decision to make about whether or not to fund the 20-year proposal of the School Board. The code of Virginia gives authority to the School Board to formulate all educational policies and City Council has the authority to have fiscal control. Presumably the commonwealth expects to give something more than a blind rubber stamp approval to educational financing. It is reasonable to expect City Council to satisfy themselves that the expenditures planned by the School Board will be spent wisely for the maximum public benefit. City Council should look very carefully at the School Board long range plan before approving the financing for it. If there are unanswered questions, omissions and procedures or serious objections from the public you must delay approval long enough to get these problems corrected. He referred to one of Harrisonburg's Mission Statement which states that the City of Harrisonburg will preserve and enhance the quality of life that is unique to our community by promoting a partnership between our citizens, elected officials and City employees. Protecting the health, safety and general welfare of all the citizens is another statement. Mr. Heckman questioned if that included the JMU students, City buses, and hundreds of teenage drivers who will be using the Port Republic Road or Smithland Road. Does it take into account the health, safety, and general welfare? School districts across the nation that have kept their schools small have discovered higher graduation rates, test scores, and community involvement. These communities and school districts supported smaller schools because of increased violence, more student drop out and pushing the parents out of the schools. The School Board plan will affect every department and every citizen in Harrisonburg, and it will continue to affect every department and every citizen in Harrisonburg for some time to come. Mr. Heckman presented statistics showing a wide gap between the per-pupal cost of the proposed high school and both the national average and the cost of recently constructed schools in three other areas of Virginia.

Warren Dillenbeck, said the School Board's plan consists of building a new high school for grades 9-12, costing approximately \$40 million, renovating the existing high school and turning it into a middle school, using the middle school for grades four and five, and finally using the existing elementary schools for grades K-3. The total costs of the School Board's long range plan is roughly \$58 million. The CHANGE plan involves building a new high school for 500 students, use the existing high school for 1,100 students, use the middle school for its capacity of 900 students, build a new middle school for 400 students, use existing elementary schools for K-5, build a Simms Elementary for 450 students, and build one more new elementary school in ten years for 450 students. The total cost of the plan would be approximately \$51 million. It is a workable and better plan. Smaller schools produce better results. This plan would provide a better quality of education for the children and lower costs for Harrisonburg taxpayers.

Kathy Phillips, said that she has one child in each of the schools. She said that next year Harrisonburg High School will have to add mobile classrooms. She questioned overcrowding in the schools, dividing the schools, and losing the AA status of the schools.

Cheryl Talley, a resident of 691 Maryland Avenue, said that she has attended many School Board and City Council meetings. She said the schools are overcrowded. Black and Hispanic students are being left behind.

Bucky Berry, said he was concerned about the many trailers at the schools because they are not safe.

Vice-Mayor Peterson said that he was concerned about the dramatic difference of cost between this proposed high school and three other recently built schools in Virginia. He said, How can schools recently built in Henrico County, Sussex County, and Buena Vista have lower construction costs. Why is it costing so much to build one new high school in Harrisonburg? City Council has a responsibility to question the difference of 30% in construction price. Was there any attempt to have pre-engineered construction ideas in mind? Was there any attempt to look at significantly cheaper methods of satisfying the needs of Harrisonburg? It is our responsibility to ask these questions. Vice-Mayor Peterson said that he needed an explanation of how can these counties construct schools at lower costs.

Mayor Frank commented that she thought the citizens would want an answer to these questions because taxes will have to be raised to pay for school construction. She said, We need to make decisions on what is best for everyone in the City.

Council Member Lantz, commented that the bids for the new Broadway High School were made in 1995-1996 and it is difficult to compare a six-year difference with approximately 4% cost increase per year. He also reviewed statistics showing a wide gap between the per-pupil cost of the proposed new high school and both the national average and the cost of recently constructed schools in three other areas of Virginia.

Council Member Fitzgerald, questioned when the debate would end. When will those opposing the new high school accept the numbers? There are people in the community extremely opposed to this high school and there are people in the community who are in favor of the high school. How long do we want to keep treating a certain organization as a shadow school board and demand that the School Board answer every set of opposition questions?

-

Following more discussion and comments, Vice-Mayor Peterson offered a motion requesting that the School Board answer why is the projected cost of the new high school higher than other recently constructed schools in Virginia. The motion also included that a presentation be made to City Council at the next meeting. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Absent - None

-

School Board Chairman Lacey came to the podium and said, I have been asking the same question that Council Members have been asking. Why is the projected cost of the new high school higher than other recently constructed schools in Virginia? He also said that the School Board will provide some cost-analysis information within the next two weeks to City Council.

Mayor Frank announced that the agenda item to hear a presentation by Robert Steere was withdrawn.

City Manager Baker presented an overview on the 13 goals established by the City Council last August 19th at its retreat. He said that City staff has made improvements in virtually all of the areas. The Council's goals include establishing a blue-ribbon technology Council, attracting higher-paying jobs to the City, improving the local economy, the road system, maintaining a first-rate school system, and public health and safety, and keeping residents informed of City news. Other goals include getting and keeping good employees, continuing to improve the budget process, enhance revenue sources for the City, and maintain an effective system of recreation facilities and programs. He noted that Council Member Rogers and Economic Development Director Shull actively participate in the Shenandoah Valley Technology and Shenandoah Valley Partnership. He also said that City Council is supporting downtown revitalization efforts and is financially supporting the newly formed Arts Council of the Valley as well as the formation of a new arts and cultural overlay district. The General Assembly passed enabling legislation to establish an arts and cultural overlay district which is the first and only one in Virginia. City Council also approved funding to establish the Oasis Art Gallery downtown last year. The City purchased the Hardesty-Higgins House, also known as the Craft House. Mr. Shull recently formed a citizen's advisory committee to provide input on the use and restoration of the historic house. A public safety building is also being considered. A resource recovery facility will be rebuilt in the next two years. City Council meetings are being televised and a new web page is being developed.

Council Member Rogers commented that the accomplishments are a tribute to the stability and professionalism of the staff, which helps the Council meet goals despite deep political division among the five Council Members. He said, Even though there have been challenges in the leadership of Harrisonburg, the staff is still hanging in there and doing a good job. I want the staff members to know that Council appreciates the work they are doing.

William Sanders, a resident of 355 Hartman Drive, said that he was a member of Chapter 007 Veterans for Peace. He explained that it is a national organization which was founded in 1985, with membership around the country. Members include men and women veterans from World War II, Korean War, Vietnam, Gulf War, other conflicts, and peacetime veterans. Many of us are combat veterans. Our collective experience tells us that war is not a successful way to resolve conflict and that other means of problem solving are necessary. Our mission statement defines justice and peace as concurrent. We believe one is necessarily a component of the other and both have equal weight. We oppose the death penalty because our experiences have taught us the fragileness and importance of every life. Though we personally oppose the death penalty, we are citizens of our communities, our states and our nation and we uphold the laws of the land. We strongly believe that capital punishment in our state is not administered fairly, and we seek fairness and justice for our community. We are asking Council Members to adopt a moratorium on the death penalty until the penalty process is administered with safeguards and standards that ensure impartiality and fairness, and there remains no question of the guilt to the defendant. City Councils in Charlottesville, Lexington and Blacksburg have adopted a resolution supporting the moratorium on the death penalty. The legal community including the Albemarle Bar Association, the Virginia College of Criminal Defense Attorneys, the Harrisonburg/Rockingham Bar Association, the Warren County Bar Association and the Virginia Trial Lawyers Association have all adopted resolutions supporting a moratorium on the death penalty. He questioned if capital case defendants receive fair treatment? Eight jurisdictions in Virginia account for one-third of the death sentences. Appointed lawyers whose clients were sentenced to death are six times more likely to be publicly disciplined. One in 10 defendants sentenced to death has lawyers who subsequently lose their licenses. This is not the case in Harrisonburg and Rockingham County. A recent State Crime Commission survey of judges found that 18% of participating judges have never appointed counsel for indigent defendants from the list of qualified attorneys available from the Public Defender's office. In Virginia an indigent capital defendant has no right to an investigator to assist counsel or to funds for counsel to consult with experts in fields in which counsel does not possess competent knowledge. The single most determinative factor in deciding who gets the death penalty is the race of the victim. Faced with similar conditions in Illinois, Governor Ryan, who himself believes a state had the right to carry out the death penalty, electrified the nation when he put the state of Illinois under a moratorium calling for no executions of the death penalty until a complete study could be made. We in Chapter 007 ask this Council to join other councils from other jurisdictions to help shape formal acceptance of what we perceive to be grass roots sentiment.

Attorney Larry Hoover, explained that the three-year moratorium would apply to executions, not the death penalty which can still be imposed. During this three-year period there would be a review of the present system to try and eliminate the risk that innocent people may be executed, ensure that death penalty procedures are administered fairly, impartially, and in accordance with due process, and eliminate discrimination in capital sentencing on the basis of the race of either the victim or the defendant. He said that in recent years, doubts about the fairness of the death penalty in Virginia have surfaced with alarming frequency, usually in reports concerning individual cases. Several issues included prosecutorial discretion in the charging of capital crimes, quality of legal representation for the accused at trial, and race discrimination, and the 21-day rule.

Joe Vought, pastor at the Muhlenberg Lutheran Church, said that he has been asked to testify before the subcommittee of the House and General Courts of the General Assembly on the death penalty. He said from 1992 to 1997, he served as a volunteer chaplain on Virginia death roll. As a person of faith called to speak the truth as well as word of hope there is nothing just about the death penalty. As study after study has

confirmed, it does nothing to make society safer, but only creates more victims. The death penalty is a dead end and an empty promise. More and more Virginians and people of faith are questioning whether the death penalty is fair or just and are asking for alternatives. Death is a different punishment from any others and the execution of an innocent person is a mistake we cannot correct. The practice of the death penalty is not fair and fails to make society better or safer.

Following further discussion and comments, Council Member Fitzgerald offered a motion to adopt a version of a sample resolution for a death penalty moratorium. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Rogers

No - Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker presented a resolution for financial assistance to the Harrisonburg Rescue Squad. He explained that the City had agreed to lend the squad up to \$621,000 and enable the organization to apply for as much as \$1.6 million in loans from the Virginia Resource Authority. The loan from the City would be used to buy land near the corner of University Boulevard and Reservoir Street. The VRA loan would provide long-term financing and cover related project costs for the construction of a new squad building. The City will own the building and will be listed as the lien holder on the land for 20 years. If the group disbands within 20 years, the City will retain the land, the building, and the squad's two best ambulances. The squad will own the building and land after 20 years.

RESOLUTION

WHEREAS, Harrisonburg Rescue Squad, Inc., a non-stock, not-for-profit Virginia corporation (the Rescue Squad) has determined that vital need exists for the acquisition, construction, and equipping of new public safety facilities to be located in the city of Harrisonburg, Virginia (the City); and

WHEREAS, the City desires to provide financial assistance to the Rescue Squad in connection with such public safety facilities (the Project) pursuant to the terms and provisions set forth in this Resolution; and

WHEREAS, the Virginia Resources Authority (the VRA) has been authorized by the Virginia General Assembly to purchase local public safety facility bonds from time to time for capital projects for public safety purposes; and

WHEREAS, it is anticipated that the VRA will approve the purchase of the City's general obligation bonds for public safety facilities in an amount not to exceed \$1,600,000 as part of the VRA's Fall Infrastructure Revenue Bonds (Pooled Loan Bond Program), Series 2001B, in order to provide long-term financing to construct the Project; and

WHEREAS, the Rescue Squad has also requested the financial assistance of the City in connection with a short-term loan in order to provide funds to the Rescue Squad for its purchase of unimproved real estate in the City (the Real Estate) for the Project; and

WHEREAS, the City Council of the City (the City Council) now desires to (i) consent to and authorize an application to the VRA to provide up to \$1,600,000 long-term financing to construct the Project; (ii) authorize a short-term loan to the Rescue Squad in order to provide funds for the purchase of the Real Estate; and (iii) make a declaration of intent to reimburse from the proceeds of one or more debt issuances in connection with the Project as required by federal tax laws in connection with the issuance of exempt bonds.

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

A. Application to VRA for Loan to Construct the Project:

1. The City Council hereby consents to and authorizes an application to the VRA consistent with the intent described herein, with respect to general obligation bonds of the City in an aggregate principal amount not to exceed \$1,600,000 for public safety purposes (the Bonds) for the purpose of providing funds to pay the costs to construct the Project.

2. The City Council hereby calls for a public hearing on this issue at such time as may be advised by the VRA in accordance with the financing schedule for the VRA Fall Infrastructure Revenue Bonds (Pooled Loan Bond Program), Series 2001B, and, further, for such appropriate notices to be given and additional acts to be taken as may be required by law in order for the City to consider the issuance of the Bonds in connection with this Project for the benefit of the Rescue Squad.

3. It is reasonably anticipated that the City and Rescue Squad shall enter into an appropriate leasing and services agreement, as may be advised by legal counsel, to establish the terms and provisions that shall govern the arrangement between the parties relating to the construction of the Project (including the financing therefor), the use of the Project facilities by the Rescue Squad, and the services to be performed by the Rescue Squad for the benefit of the City.

2. Short-Term Loan from City to Rescue Squad to Acquire Real Estate:

4. The City hereby authorizes and approves the making of a short-term loan to the Rescue Squad in a principal amount not to exceed \$621,000 to be used by the Rescue Squad for the purchase of the Real Estate at closing and settlement on or before October 1, 2001. The terms of this loan to the Rescue Squad shall be as follows: (i) the principal loan amount shall equal the actual purchase price of the Real Estate, as finally determined by a survey, provided, however, such principal loan amount from the City to the Rescue Squad shall not exceed \$621,000; (ii) the term of the loan shall be for five (5) years; (iii) no interest shall accrue or be payable by the Rescue Squad; (iv) equal monthly installments of principal shall be payable by the Rescue Squad commencing on November 1, 2001, and shall continue on the 1st of each month thereafter, with the entire principal balance, if not sooner paid by the Rescue Squad, being due and payable, in full, on October 1, 2006.

5. The loan from the City to the Rescue Squad shall be evidenced by a Promissory Note to be executed by the Rescue Squad and delivered to the City, and such other collateral documentation as may be advised by legal counsel, and secured by a Deed of Trust in favor of the City and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia.

3. Declaration of Intent to Reimburse:

6. The City (or the Rescue Squad, as the case may be) has paid/has caused to be paid, beginning no earlier than 60 days prior to adoption hereof and will pay/will cause to be paid, on and after the date hereof, certain expenditures (the Expenditures), in connection with the Project. Further, the City has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Project related Expenditures are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds, including the Bonds.

Accordingly, the City hereby declares its intent to reimburse the City (or the Rescue Squad, as the case may be) with the proceeds of the Bonds for the Expenditures with respect to the Project made no earlier than 60 days prior to the adoption hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds. Each Expenditure was and will be either (a) of a type properly chargeable to capital Account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City (or the Rescue Squad) so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City (or the Rescue Squad).

The City (or the Rescue Squad, as the case may be) will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse an Expenditures, no later than 18 months after the later of the date on which the Expenditures is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, and certain de minimis amounts.

7. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 28th day of August, 2001.

Mayor, City Council, City of Harrisonburg, Virginia

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution entitled, APPLICATION RESOLUTION; DECLARATION OF INTENT TO REIMBURSE, adopted by the City Council at a regular meeting duly held and called on August 28, 2001. A record of the roll-call vote by the City Council is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Carolyn W. Frank, Mayor	X			
Dorn W. Peterson, Vice Mayor	X			
Hugh J. Lantz	X			

Larry M. Rogers X

Joseph Gus Fitzgerald X

Date: August 28, 2001

[SEAL]

Clerk, City Council, City of Harrisonburg, Virginia

Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver, reviewed the terms of the Virginia Resources Authority and the terms with the City. She said there could be no legal requirement that the Harrisonburg Rescue Squad make debt service payments; however, the rescue squad would always be free to make donations to the City for any purpose if there are sufficient funds.

Vice-Mayor Peterson offered a motion to adopt the resolution as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

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

RESOLUTION

WHEREAS, a section of Route 33 (old Market Street) from its intersection with present Vine Street to its intersection with present East Market Street as shown marked in RED on the Virginia Department of Transportation's State Highway plan sheets 8 and 9 of Route 33, Projects 0033-082-008, C-1 and 0033-115-101, C-501, a length of approximately 303 feet, was once part of the State Highway system; and

WHEREAS, a section of Switchboard Road (old Route 910) as shown on Sheets 13 & 13B of project 0033-115-102-C501 a length of approximately 380 feet was once part of Switchboard Road (old Route 910) of the State Highway System; and

WHEREAS, the said Route 33 projects relocated said Routes 33 to its present locations as said East Market Street and Switchboard Road and said old section of Route 33 as described was never formally abandoned as a public road/street; and

WHEREAS, by annexation order(s) dated January 1, 1962 and January 1, 1983, the City of Harrisonburg annexed the area of Rockingham County where said section of old Route 33 is located, and the public way rights of said old section of Route 33 were incorporated as a part of the City's Street System as a paper street .

NOW, THEREFORE, BE IT RESOLVED that the said old section of Route 33 is hereby abandoned as a public road/street and the City Manager is authorized to execute and all documents needed to comply with this action.

Adopted _____

City Manager

Attest:

City Clerk

City Manager Baker explained that City Council had approved declaring certain right-of-ways abandoned at the July 24th meeting. However, the Virginia Department of Transportation did not want to use the terminology right-of-ways, but wanted to use roadways. Council Member Fitzgerald offered a motion to approve this resolution. The motion was approved with a unanimous vote of Council.

School Superintendent Ford presented a proposed application resolution for Council's consideration. He explained that approval of the Application Resolution would maintain the City's eligibility to participate in the 2001 Fall bond VPSA sale. The School Board is requesting approximately \$41.5 million for a high school project. However, approval of the enclosed Application Resolution would not constitute an approval of the issuance of bonds for the new high school. He also said that City Council had authorized proceeding with hiring an architect to design a new high school. An architect was hired and if City Council agrees to continue with the process of the VPSA funding, the School Board can continue with the architect services.

Council Member Rogers offered a motion to approve the application resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

No - Vice-Mayor Peterson

Mayor Frank

Absent - None

Council Member Fitzgerald offered a motion to commit to the architectural costs so the process will continue.
The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

No - Vice-Mayor Peterson

Mayor Frank

Absent - None

**APPLICATION RESOLUTION;
DECLARATION OF INTENT TO REIMBURSE**

WHEREAS, the School Board of the City of Harrisonburg, Virginia (the School Board) has determined that a vital need exists for the acquisition, construction, and equipping of new High School facilities in the City of Harrisonburg, Virginia (the City) in order to meet the needs of present and future enrollments; and

WHEREAS, the Virginia Public School Authority (the VPSA) has been authorized by the Virginia General Assembly to purchase local school bonds from time to time for capital projects for school purposes; and

WHEREAS, it is anticipated that the VPSA will approve the purchase of the City's local school bonds as part of the VPSA's Fall 2001 School Bond Sale in order to provide funds to pay the costs of the acquisition, construction, and equipping of such public school facilities in the City (all capital projects for school purposes within the City being designated collectively herein as the "Project") ; and

WHEREAS, by Resolution, approved on August 7, 2001, the School Board has requested the City Council of the City (the City Council) to (i) consent to and authorize an application to the VPSA to purchase such bonds and (ii) take such other actions as may be necessary to authorize the issuance of general obligation local school bonds of the City to be sold to the VPSA to provide funds to pay the costs of this essential Project; and

WHEREAS, the City also desires to make its declaration of intent to reimburse from the proceeds of one or more debt issuances in connection with the Project, all as required by federal tax laws in connection with the issuance of exempt bonds.

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

A. VPSA Application Resolution:

1. The City Council hereby consents to and authorizes an application to the VPSA consistent with the intent herein, with respect to such general obligation school bonds of the City in an aggregate amount not to exceed \$41,500,000 (the Bonds) for the purpose of providing funds to pay the costs for the Project.

2. The City Council hereby calls for a public hearing on this issue at such time as may be advised by the VPSA in accordance with the financing schedule for the VPSA s Fall 2001 School Bond Sale, and for such appropriate notices to be given and acts to be taken as may be required by law to consider the issuance of the Bonds.

B. Declaration of Intent to Reimburse:

3. The City or the School Board has paid/has caused to be paid, beginning no earlier than 60 days prior to adoption hereof and will pay/will cause to be paid, on and after the date hereof, certain expenditures (the "Expenditures"), in connection with the Project. Further, the City has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Project related Expenditures are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds, including the Bonds.

Accordingly, the City hereby declares its intent to reimburse the City with the proceeds of the Bonds for the Expenditures with respect to the Project made no earlier than 60 days prior to the adoption hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

The City or the School Board, as the case may be, will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, and certain de minimis amounts.

This Application Resolution; Declaration of Intent to Reimburse shall take effect immediately upon its passage.

PASSED AND ADOPTED this 28th day of August, 2001.

Mayor, City Council, City of Harrisonburg, Virginia

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution entitled, **APPLICATION RESOLUTION; DECLARATION OF INTENT TO REIMBURSE**, adopted by the City Council at a regular meeting duly held and called on August 28, 2001. A record of the roll-call vote by the City Council is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Carolyn W. Frank, Mayor		X		
Dorn W. Peterson, Vice Mayor		X		
Hugh J. Lantz	X			
Larry M. Rogers	X			
Joseph Gus Fitzgerald	X			

Date: August 28, 2001

[SEAL]

Clerk, City Council, City of Harrisonburg,

Virginia

Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver, explained that this request is an authorization to submit an application and does not authorize the bonds. The City would have to go through the full Virginia Finance Acts requirements with due public notice and holding a public hearing. The VPSA application deadline is September 4th.

Vice-Mayor Peterson explained that he had presented a preliminary draft of proposed charter amendment changes in detail at the last Council meeting. He also noted that the only change was in the wording of How vacancies are filled . The wording has been changed to if a vacancy occurs more than two years one hundred

an fifty days, or less, left in the term, then the person who is appointed has to run at the next Council election for a two year term. If it is less than two years one hundred fifty days remaining in the term, then whoever is appointed will serve through the end of the term.

Some discussion by Council Members relative to the proposed charter amendment changes included not making any changes until after an upcoming City-County Liaison Committee meeting, effects of future relations with Rockingham County, instability that may be created by these charter changes, whether changes will impact some agreements with Rockingham County, allowing the citizens of Harrisonburg to vote on these charter amendments changes, Rockingham County concerned about working with different bodies, citizens do not understand the ramifications, charter amendments being rushed through, and there still remains many steps to take before these amendments will be added to the charter. Following further discussion and comments, Vice-Mayor Peterson offered a motion to ask the Circuit Court of Rockingham County to add these charter amendments to the November ballot. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

No - Council Member Lantz

Council Member Rogers

Absent - None

City Manager Baker presented for Council's consideration amending Section 1-1-12 of the Harrisonburg City Code. He explained that because of the recent census it is necessary that the West Ward shall be divided into two (2) election districts or precincts and the East Ward shall be divided into three (3) election districts or precincts. Vice-Mayor Peterson offered a motion to amend Section 1-1-12 of the Harrisonburg City Code for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Council Member Fitzgerald offered a motion to refer a request to purchase the Harrison Plaza to the Planning Commission for their recommendation. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used to pay for a School Resource Officer. Council Member Fitzgerald offered a motion to approve this request for a first reading, and that:

\$15,020.00 chge. to: 1000-32505 School Resource Officer

\$12,222.00 approp. to: 1000-310431-41010 Salaries/Wages Regular

777.00 approp. to: 1000-310431-42010 FICA

1,181.00 approp. to: 1000-310431-42020 Retirement

421.00 approp. to: 1000-310431-42050 Hospital

200.00 approp. to: 1000-310431-42060 Life Insurance

219.00 approp. to: 1000-310431-42110 Worker s Comp.

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from a Division of Motor Vehicles grant will be used for selective enforcement (overtime). Vice-Mayor Peterson offered a motion to approve this request for a first reading, and that:

\$8,999.28 chge. to: 1000-32520 DMV Grant

\$8,999.28 approp. to: 1000-310231-41010 Salaries & Wages Overtime

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Attorney Miller presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Vice-Mayor Peterson offered a motion to approve this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

George Rontopoulos said that he owns a business at 65 East Market Street. He said that the Parking Authority had decided to eliminate all the two hour parking spaces on the street. These parking spaces were eliminated due to traffic congestion at the intersection of East Market Street and Main Street. Mr. Rontopoulos said that the business owners should have been notified of this decision because it will greatly impact their businesses.

City Manager Baker said that the Parking Authority has reversed their decision and several parking spaces will be put back on the street.

Sam Knight said that everyone should be more concerned about the construction of a new school rather than charter amendments.

Terry Ward announced that a volunteer appreciation day will be held September 10th at 10:00 a.m., for the many volunteers helping with Valley Voice.

Bucky Berry said that an alley between Ashby Street and Monroe Street is very dark and suggested that something should be done to place lights in the alley.

Cheryl Talley said that she was in favor of the charter amendments. She said what has made the American system of democracy so unique and so long standing in the world is the checks and balances where one branch of the government oversees another. She also suggested that the School Board should have the same system in place.

Ellen Lucius said that she was concerned about the overcrowding in elementary schools. More information needed to be presented to the citizens. She also said she was opposed to a new high school being built on the back of nine and ten years old students.

Dale Metzler commented that he was glad City Council decided to put the charter amendments on the ballot.

David Ehrenpreis commented that Franklin Street had a successful block party.

At 11:15 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Community Services (Chapter 10) Board and the Social Services Advisory Board. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of the possible acquisition of real property. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code.

At 12:25 a.m., the closed 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 Council: I 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 matters as were identified in the motion by which the closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Fitzgerald offered a motion that M. Jane Wenger Clemens, 1760 Shenstone Drive, be appointed to a first term on the Social Services Advisory Board to expire July 1, 2004. The motion was approved with a unanimous vote of Council.

At 12:36 a.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

SEPTEMBER 11, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several appropriations for the Police Department. The motion also included the second reading amending and re-enacting Section 10-3-41, Section 10-3-47, Section 10-3-53, Section 13-1-3, Section 1-1-12 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Chuck Heckman, a resident of 1555 Shank Drive, presented the following comments concerning some statistics he made at the August 28th meeting. He said, "We can look at the facts, disagree, work to be kind with each other, avoid offensive personal comments and work to avoid being offended. We should appreciate each other's humanity. Council has some decision to make that will affect the community. So much of the school controversy isn't really about the fact, but it is about personality and old wounds and battles. Mr. Heckman encouraged Council to look at the facts, set aside the personalities and old wounds that are clouding our reasoning and causing us to distort the facts that are at our disposal. Our kids and our community are too important to be used as pawns in our old petty power struggles. At the last Council meeting there were a few facts presented, discussion held concerning the facts, and many statements which were made were either misused or misrepresented facts. He again reiterated that school districts across the nation that have kept their schools small have discovered higher graduation rates, test scores, and community development. Many large City governments are moving away from policies that have failed and moving to policies that have demonstrated success. Can large schools work in Harrisonburg? There is a definition that states "Insanity is trying the same thing over and over and expecting different results." We should learn from these facts and the experiences of other cities. He said that complete strangers have encouraged him to keep making noise and noted that a lot of people are watching the Council meetings. With the continuing polarization of our community there is no long range plan that has much chance of successfully meeting the goals we are putting out in front of it. The numbers will show that parent and community involvement is the common thread behind every school district success story. When the community is involved in setting goals and making plans, enthusiasm, support, and commitment will be present. He said, "We can all be part of a win-win community instead of groups mobilizing to fight each other all winter and spring. These are our public schools, our children, our community and we need to know the facts and have a voice."

Renee McCulloch, a resident living at 48 Pleasant Hill Road, said she was in favor of building a new high school. She said two small high schools in the City would not work because of the redistricting. The high school is the last opportunity that parents have their children before sending them out into the community and she said let's send them out in style.

Kathy Phillips, a resident living at 1055 Wyndham Drive, commented that for every comment City Council has received in opposition, she has received a positive comment for Harrisonburg High School.

Gina Conley, a resident living at 693 Wyndham Wood Circle, said that she was a parent of a student at Harrisonburg High School and did not believe Harrisonburg should have two high schools. She said students should be kept together just as they were in the middle school. It will help to keep the "Blue Streak" spirit alive.

Matt Gilkerson, a resident living at 979 South Dogwood Drive, said that he had spent the summer working with a founder and grant writer of "Youth Against Drugs and Alcohol Prevention Program." He reminded everyone that in every high school there are little groups of youth who are only associating with certain topics and relationships.

Vice-Mayor Peterson commented that he was worried about people making statements concerning the unity of our community. Information has been presented regarding extensive research which states that small schools educate students better. The students in the smaller schools do not drop out, at-risk students learn more, and test scores go up. He said, Nobody has handed me any research that says the opposite. Are we saying that students are more comfortable in the bigger school because everybody will be more friendly? The research says it is not true. There are students currently attending Harrisonburg High School who just disappear into the corners and hide for four years.

Council Member Rogers commented that research says smaller classroom size is the key.

Council Member Lantz commented that if smaller schools were better, why is everybody in Virginia wrong. Every school that has been built in the last five years in Virginia has been bigger than schools built in Harrisonburg. Also, it is not fair to compare Harrisonburg and other Virginia schools to schools being built in other states. The School Board is not proposing building a big high school because it will be small compared to other schools being built in Virginia.

Following further discussion and other comments, Mayor Frank called a special meeting of the Harrisonburg City Council on September 20, 2001 to be held at the Thomas Harrison Middle School. She said that the purpose of the meeting would be to hear public comment on the proposed new high school. She also announced that a public hearing will be held September 25th to consider a resolution authorizing the issuance, sale and awarding a general obligation bond not to exceed \$41,500,000.

John W. Rosenberger, a resident of Shenandoah County, requested that the City remove the 1% sales tax on heating fuel. He said that he has been purchasing home heating fuel from a dealer in Harrisonburg for many years. He also requested that Council adopt an ordinance to exempt the fuel tax.

Mervin Armentrout representing Rockingham Petroleum which is located at 981 North Liberty Street reviewed the local sales and use tax which states that the local 1% sales and use tax will continue to apply all purchases for domestic consumption of artificial or propane gas, firewood, coal and home heating oil unless the locality adopts an ordinance specially exempting such fuels. He said that all surrounding localities including the counties of Rockingham, Page, Augusta, Shenandoah and the cities of Staunton and Waynesboro have adopted ordinances to exempt the fuel tax. The tax adds an additional expense to those already burdened by the relative high cost of fuel. The tax is somewhat unfair to consumers because it is based upon a point of origin rather than point of consumption. The tax puts dealers located in Harrisonburg at a price disadvantage when compared to dealers located outside Harrisonburg not required to charge the tax. The tax is very confusing to all concerned including the consumer, dealer, and City officials. City officials have repeatedly been unable to explain the tax to consumers when questioned. Consumers have even been told that no such tax is imposed and if a dealer is charging such tax they are doing so incorrectly this puts the integrity of businesses in question with the consumer. He encouraged City Council to adopt an ordinance to exempt the fuel tax.

Jack Miller owner of Miller Fuel Company said that this tax has been imposed for 20 years.

City Manager Baker commented that the Commissioner of Revenue has said that the best estimate is the tax generates approximately \$150,000 per year. Following further discussion and comments, Council Member Fitzgerald offered a motion to table this request until the September 25th meeting. The motion was approved with a unanimous vote of Council.

City Planner Anderson presented an overview of the Landscape Committee's conceptual proposal. He explained that Planning Commission had formed a committee to look at landscaping options in the City. The Landscape Committee consisted of Kathy Whitten, Lee Foerster, Rudy Propst, Chad Layman, J.R. Copper, and Ken Patterson supported by staff members Carolyn Noel and Earl Anderson. Mr. Anderson said that the committee had reviewed the LEAF project in the City of Lynchburg. The LEAF project had a goal to raise \$380,000 in corporate and individuals donations to create a public-private agreement to landscape the Lynchburg Expressway. Benefits the committee observed were of economic development, tourism, encouragement for business landscaping, and promoting civic pride. The Lynchburg committee used several implementations tactics including identifying sources of funding, making contact and securing those sources. As well as, designing a system of incentives and recognition and working out a landscape design with a professional landscape architect. The City of Lynchburg supported the project by funding the master landscaping plan, providing public relations, organizing the committee and providing support staff, besides maintaining the landscape areas once installed. Signage designed for the project consisted of wood engraved signs with the sponsoring business name in each bed. All of the beds contained various plantings of flowers, bushes, grasses, and trees. In addition, the beds were placed along major areas of traffic circulation. The LEAF project also was awarded the Virginia Municipal League's 1995 Achievement Award for their design. Mr. Anderson also reviewed some of the landscaped beds in the City including Washington Street and North Main Street, Cantrell Avenue bridge and where the Landscape Committee is proposing to plant a bed dedicated by the City, along East Market Street in front of K-Mart Shopping Center. He said that the Landscape Committee has proposed creating a joint public-private venture similar to Lynchburg. The committee has proposed creating a private bed system. The proposal also included that the City sponsor a bed site and the hill site in front of the K-Mart Shopping Center should be used because of the high visibility. Mr. Anderson said that a Harrisonburg sign contest was held and a winner was selected. Two new signs have been erected on West Market Street and East Market Street. This plan has been presented to the Chamber of Commerce members.

Rudy Propst, a member of the Planning Commission, said that the proposed landscaping project may require some City funding in the future, decisions where to place the landscape sites, cost of landscaping, maintenance of landscape areas, sign size, and designing the landscape areas. Council Member Fitzgerald offered a motion to refer the landscaping proposal back to the Planning Commission. The motion also included that the Planning Commission reform another committee to consider the proposal and present a report to City Council at a later meeting. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion to authorize the City Manager to write a letter of support for Blue Ridge Community College. The college has requested a letter of support for their request for funds from the Shenandoah Valley Partnership. The motion was approved with a unanimous vote of Council.

Public Works Director Baker presented an overview on proposed changes for the City parking garages. He explained that the Harrisonburg Parking Authority has suggested installing a gate system at the Wolfe Street and Water Street Parking Decks to replace parking meters. He noted that when the Parking Authority had presented a proposal to City Council to remove parking meters heads in the downtown area in December 1999, it had met with some opposition; however, the proposal was helping to provide parking spaces for customers in the downtown area. The Parking Authority has been considering how to make the parking decks more user friendly primarily for the shoppers in the downtown area. Mr. Baker said the proposed gate system would be user friendly and cost efficient. The booth rates would increase parking rates from 25 cents every three hours to 25 cents an hour. It would also eliminate customer disputes with authorities who ticket them for expired meters. We receive many complaints from people about the tickets they get because they don't get back to the meters on time. The new system's appeal is its flexibility because it allows customers to park as long as they wish before paying. Some of the meters are more than 15 years old, repair and/or replacement will become a costly investment. He also reviewed other options being used in different cities.

Nancy Garber, owner of David Garber Jewelers, Inc., said that she was very concerned because the gate proposal to the parking garages would be costly to shoppers. She said, "I do not want another battle, but I've heard comments about this plan that are graphic, pungent, and colorful. The plan is unfair to daytime businesses which operate when the parking lots charge. The frequent late-night eateries won't have to pay as much to park. Why wasn't the public included in this decision?" She requested an agenda and the minutes from the Parking Authority when this decision was made to install gates. She encouraged City Council to table this proposal.

Ed Monger, a resident living at 1231A. Harmony Drive, said that he strongly objected to the proposed parking deck change. This proposal would increase parking in the decks to more than 300%. He suggested replacing 50% of the old meters with electronic meters and then use the old ones for spare parts. The idea of having one-way in and one-way out is ludicrous. During peak hours the increased traffic will jam the intersections. He said, "This proposal if accepted by City Council will drive more businesses away from downtown." He also said that the \$250,000 the Parking Authority has could be used more wisely by fixing the leaks that exist in both decks, clear out the birds who reside in the decks, occasionally clean the bird dropping off the meters, and provide snow removal from the top of each deck.

George Merz, said that he was the coordinator for the Farmers Market and clarified that the market season is from April to November. He said that he was happy that the members of the Farmers Market ideas and comments had been taken into consideration for this proposal.

Cheryl Talley, a resident living at 691 Maryland Avenue, said that she was against not including the public in the decision making and said "Give this more time."

Davis Griffin said that he shops at the Farmers Market regularly. He questioned why charge anything for parking in the lower deck.

Robert Evers said that he has an interest in the Water Street Café and has heard many of the customers say we won't shop in downtown anymore.

Following further discussion and comments, Vice-Mayor Peterson offered a motion to table this agenda item.

Public Works Director Baker announced that Plecker Construction Company was the low bidder at \$887,655.00 for the Port Republic Road improvements. He explained that City Council's approval is necessary before the contract can be sent to the Virginia Department of Transportation for their approval because it includes a federal grant. The project will take approximately one year to complete and will include widening the four lanes with bicycle lanes and sidewalks on Port Republic Road from I-81 to Devon Lane. Vice-Mayor Peterson offered a motion to award this contract to Plecker Construction Company. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Public Works Director Baker presented for Council's consideration an ordinance adopting and prohibiting placing advertisements, etc., on public property. He explained that the City needed to restrict posting advertisements on public property including attaching signs and flyers to traffic signs, utility poles, and traffic signal boxes. Mr. Baker said that these advertisements are not attractive and are creating electronic problems in some of the traffic signal boxes. One written warning will be issued to violators before a fine is imposed. Vice-Mayor Peterson offered a motion to adopt this ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Absent - None

Director of Public Transportation Smith presented a request for a supplemental appropriation to purchase one (1) Dupont trolley bus. He explained that the total bid is \$245,000, 95% state funds of \$232,750 with the City providing 5% local match at \$12,250. Mr. Smith said that an agreement was made to paint the trolley buses the same transit colors of blue and white. Council Member Fitzgerald offered a motion to approve this request for a first reading.

\$ 12,250.00 chge. to: 2013-31010 Amount from fund balance

232,750.00 chge. to: 2013-32518 Transit Capital Grant

\$245,000.00 approp. to: 2013-872081-48253 Transit Buses

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Director of Public Transportation Smith announced that on November 16th the Harrisonburg Transportation Department will have a promotional day to observe its 25th anniversary. Free bus rides and refreshments will be available.

The agenda item to consider a request for a supplemental appropriation for the Parking Authority was tabled.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds received from state and drug forfeiture will be used to purchase various equipment including cameras, vests, lighting system, weapons, and super glue vacuum chamber for the department.

\$ 1,890.00 chge. to: 1000-31010 (Federal) drug forfeiture

10,000.00 chge. to: 1000-31010 (State) drug forfeiture

\$ 700.00 approp. to: 1000-310131-48181 Building and grounds

2,500.00 approp. to: 1000-310331-48211 Machinery and equipment

1,762.00 approp. to: 1000-310231-46100 Police supplies

2,500.00 approp. to: 1000-310231-48211 Machinery and equipment

4,428.00 approp. to: 1000-310331-46100 Police supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Ellen Lucius, a resident living at 261 Paul Street, said schools are an issue of justice for her and should be an economic issue for City Council. The School Board prematurely closed the public process concerning building a new high school. This City should have small schools. Good things can be done with a school of 750 students. Research is available that says cliques are worse in larger schools. Virginia has not followed small school research. She said, Who are the schools for and what is City Council responsibility? City Council needs to represent the voiceless.

George Rontopoulos, a resident and business owner living at 65 East Market Street, said today our lives were dramatically changed by nameless, faceless cowards who attacked our country. We should all roll up our sleeves and donate blood and somehow find a way to support each other in this hour of need.

At 10:10 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Community Services (Chapter 10) Board. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for discussing and evaluating a specific public officer or appointee of the Council. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code of Virginia (1950), as amended (the Code).

At 10:40 p.m., the closed session was declared closed and the regular session reconvened. The following statement was read and agreed to with a unanimous recorded vote of Council: I 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 matters as were identified in the motion by which the closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 10:42 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

SEPTEMBER 25, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; and Chief of Police Donald Harper. Absent: City Clerk Yvonne Bonnie Ryan, CMC/MMCA.

Human Resource Director Whistleman introduced nine new employees: Shawn Adams, Lorie Loker, Keith Mowbray, Public Works Department; Betty Crigler, Emperatriz Mujica, Paul Stoner, Public Transportation Department; Jim Scott, Community Development Department; Karen Musselman, City Manager's Office; and David Loker, Public Utilities Department.

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

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Police Department and Public Works Department, and purchasing one Dupont trolley bus. The motion also included referring a street closing to the Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - None

Vice-Mayor Peterson offered a motion to add Matt Gilkerson's presentation to the agenda. The motion was approved with a unanimous vote of Council.

Matt Gilkerson, a resident of 979 South Dogwood Drive, and a junior at Harrisonburg High School presented an overview of the crowded conditions at the high school. He said, "I am a leader in the student organization known as PALS (Peers Assisting Listening and Sharing), an Eagle Scout and have lived in Harrisonburg for 16 years. Before I go any further, I would like it to be known that everything I am in support of tonight, I will never benefit from it, because I will have already graduated from high school. The only reason I am here tonight is in consideration of the future students of Harrisonburg High School who are too young now to see exactly what is happening. Harrisonburg is a place for families, education, and it has always been that way; however, recently, I have noticed a change. Through my presentation I will take you to the hallways and classrooms in Harrisonburg High School that are all overcrowded. I have done the best I can to collect accurate data. Overcrowding occurs everyday and some students deal with overcrowded classrooms in several periods every day. He mentioned that a physical education teacher has 31 students in one class period. During this same time period there are an average of 101 students in the gym. He said lunch starts with a great wait in long lunch lines because there are only three lines to receive food and some students are never served. Some teachers do not have a classroom. His presented data showing overcrowded classes, labs, gymnasium, and the cafeteria. He quoted teachers as saying students in smaller classes will have more interaction and more personal attention. Larger classrooms create more stress and could make students feel like a number. The 1,050-seat auditorium does not hold the entire student population for an assembly. He said that the School Board has made their choice and presented the options to City Council. It is time to build a new high school and not compare Harrisonburg High School to other schools being built in Virginia. The goal should be to unify the student population, not divide it. He said, "I am only one student and everything I have mentioned is my point of view. I am asking citizens and parents to address the overcrowding issues at the high school."

Mayor Frank announced that the public hearings to consider a rezoning request by Dunham Bush and amending the Comprehensive Plan would be postponed until the October 9th meeting.

School Superintendent Ford presented an overview of the School Board's long-range plan. He said that the School Board was trying to get a projection of what is needed in terms of long-term building needs in the City. The City's 1998 Comprehensive Plan stated that the City should have a population of 52,267 residents at build out in 2018 and stated that the City was growing at an annual rate of 2.2%. The School Board used these numbers in their original projection. The School Board applied the 2.2% in terms of enrollment growth for the schools as well as the growth of the City population in order to determine an estimate of the school population at build out in 2018. However, something important has happened since the original projection was made. He said the 2000 census shows that the City's population is 40,468. The City's school enrollment in April was 3,774 students. This constituted approximately 9.3% of the City's population. The School Board will be looking at how the 4,860 actually translate into the occupancy of the school facilities in the school board long-range plan. Dr. Ford requested that City Council provide the appropriate funding for the school division to proceed with the building project, which has been proposed.

School Board Chairman Lacey reviewed the statistic used to project the enrollment based on the long-range plan. He said that the schools should be able to accommodate the increase in students even beyond the projected numbers at build out.

David Rose and Darrell Hill with Davenport and Company presented an analysis of the City's financial position. Mr. Rose explained that his company had prepared a preliminary capital funding strategy plan for Harrisonburg, which included existing debt service obligations, a new high school funding analysis, and other capital projects. The City's obligations were reviewed which included notes, historical VPSA issues, literary loans, and some utility related financing which were not self-supporting. The new high school could require a tax increase of between 12 and 19 cents if only school debt service is considered. He reviewed the existing schools debt service and said that in the year 2002, the total debt service would be approximately \$3.3 million. There should be a decline of approximately \$100,000 over the next several years. If the City replaces the existing school debt with new school debt, the capacity should be about \$12 to \$13 million. He also reviewed the VPSA structuring options, which include amortization, debt service repayment, principal deferred, and capitalized interest. The current outstanding debt is approximately \$55 million. The City could have more than \$80 million on capital improvement projects in the future and will need additional revenue. The representatives did question why the site location for the new high school had not been selected. They also discussed interim financing, paying early interest, and the choices Council had in seeking financing.

At 8:40 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 10, and Monday, September 17, 2001.

NOTICE OF PUBLIC HEARING WITH RESPECT TO THE PROPOSED ISSUANCE, SALE AND AWARD OF GENERAL OBLIGATION SCHOOL BONDS BY THE CITY OF HARRISONBURG, VIRGINIA IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$41,500,000 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY COSTS OF CAPITAL PROJECTS FOR SCHOOL PURPOSES FOR THE CITY OF HARRISONBURG, VIRGINIA.

Notice is hereby given that the City Council (the **Council**) of the City of Harrisonburg, Virginia, (the **City**) will hold a public hearing pursuant to the provisions of Section 15.2-2606 of the Code of Virginia (1950), as amended, with respect to the adoption by the Council of a Resolution authorizing the issuance, sale and award of the principal amount not to exceed \$41,500,000 of General Obligation School Bonds of the City of Harrisonburg, Virginia, (the **Bonds**) to be sold to the Virginia Public School Authority (the **VPSA**) in the 2001 Fall Bond Sale through the VPSA, for the purpose of providing funds to pay costs of the acquisition, construction; and equipping of public school facilities for the City including, but not limited to, a new High School and related facilities thereto (all capital projects for school purposes for the City being designated collectively therein as the **Project**).

The Bonds will be a general obligation of the City secured by its full faith and credit pledge. The public hearing, which may be continued or adjourned, will be held at 7:30 p.m., on September 25, 2001, before the Council in the City Council Chambers, located at 345 South Main Street, Harrisonburg, Virginia. Any person interested in the issuance, sale and award of the Bonds may appear at the hearing and

present his or her views. The Council may set time limits on speakers and other rules and procedures for the conduct of this public hearing.

Requests for audio or visual assistance for those persons requiring such assistance during the hearing must be submitted in writing to the City Manager at the address given above no later than 12:00 noon, Friday, September 21, 2001. Such requests must specify the type of assistance or aid required.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this request to issue General Obligation Bonds in the amount of \$41,500,000 for school purposes.

Steven Blatt, a resident of 755 South Dogwood Drive, said that since the City has had an elected school board, it has worked hard to restore creditability and accountability with City Council. The School Board has done an excellent job in making this decision. This is the best proposal with the resources the City has and he requested that City Council endorse the bond issue.

Mary Grace Penrod, a resident of 312 East Grattan Street, said that she was a senior at Harrisonburg High School. She said that she was strongly in favor of building a new high school. She also noted that she would not benefit from a new high school.

Vicky Bennett, a resident of 236 Wakefield Place, said that she has lived in the City for 12 years and was also a teacher at Thomas Harrison Middle School. She said that she was in favor of building a new high school.

Cathy Slusher, a resident of 520 South Mason Street, asked City Council to approve the funding for building a new high school and noted that it is time to move forward.

Bob Steere, a resident of 652 Central Avenue, said that during the past several months, he has been trying to obtain answers to many of the questions related to the bond issue. Those questions echo the inquiries that have been put forth by many, many others. He said, "So far, I have not received answers that will allow me at this time to support floating a bond issue in these uncertain times. Why are we proceeding so fast with this bond issue in these uncertain economic times?" He suggested that everyone should stop, take a step backward, and re-examine the situation during the next six months and gather as much information as possible. He said that

he was very concerned about the City taking on such a large debt.

Warren Dillenbeck, a resident of 1121 South Dogwood Drive, said that he would prefer spending his allowed three minutes talking to a stonewall than talking to City Council because it was useless. City Council has made their minds up concerning the school bond issue. He said his family felt very blessed to live in this beautiful valley. Now the City is about to embark on a necessary school building program. Nobody disputes the need. But, if we are going to do this, let's do it well. Let's make sure we do an excellent job of it. Let's be sure we serve the educational needs of our children the best way we know how. There is so much controversy and uncertainty swirling around the School Board's plan that it would be a terrible mistake to launch it tonight. The entire community should support this project.

Jerry Scripture, a resident of 1175 South Dogwood Drive, said, I am here tonight as a citizen that cares about the community and the children and building suitable schools. He asked whom do I talk to about taking care of my neighborhood? What if I think that extra buses and remote schools will clog our roads and diminish our quality of life in Harrisonburg? What if somebody thinks keeping schools close to kids is important? Small town culture is important unless Harrisonburg wants to become SAMA (Standard Metropolitan Statistical) or whatever they are called. I am concerned about the financial issue, but I am also concerned about Harrisonburg. He encouraged City Council to request that the School Board try to keep the new Harrisonburg High School in the City.

Ken Handrich, a resident of 610 Broad Street, presented a map showing where the elementary school children are located in the City. He reviewed each school and said that some students will be moved away from their current school. He requested that City Council say no to this funding proposal.

Sam Knight, a resident of 434 Kelly Street, said that he was living on a fixed income. He noted that in the past City Council's had been allowed to answer questions concerning School Board decisions. He questioned how we could take care of such a large debt without a tax increase. He noted that he had heard the twelve pennies and nine pennies mentioned by the financial consultants; however, he said, I do not understand because I am not a banker. He noted that his daughter rides the bus now for 45 minutes and wondered how any child living in the City could walk to a new high school in Rockingham County.

Bob Bersson, a resident of 441 East Wolfe Street, said that he has been a resident of Harrisonburg for 21 years. He explained that his remarks would focus on issues of race and class relative to the overall school board plan of which the new high school is a major part. Let me say straight off that I do not think that conscious racism played any part in the development of the school board's plan. At the same time, it is clear that certain very important Harrisonburg policy makers are definitely afraid of my multi-racial, multi-class northeast area in which, Simms the public school for blacks, was located. We have heard you, our policy makers, say directly or indirectly never, never, have another school at Simms. The immortal depth of your response makes it clear that no radical argument, no amount of research data, charts, maps, overheads, power point presentations; however, compelling will ever sway you. So for all the wrong reasons, the Simms School was eliminated from the school board long-range plan. Some of the plan was based upon fear. He

thanked Council Members Lantz and Rogers for continuing to support the renovation of Simms School to be used for other activities. He said, "Would Martin Luther King tell us to avoid transforming Simms into a fifth elementary school in the populous Northeast community where most of the young people in Harrisonburg live? Would Martin Luther King say let us bus all of the students of the Northeast out of their neighborhoods to the outskirts of the City to go to schools in a distant barely developed area? Or would Rev. King tell us to sit down as brothers and sisters to face our interracial fears and wounds together, to confront man-to-man and woman-to-woman the problems in our community and our souls. Would he not tell us to walk in the light and not in the darkness?"

Joe Redman, a resident of 864 Chicago Avenue, said that there is no consensus in the City that the School Board's plan is a good one. There is a great deal of controversy on how the plan will benefit our neighborhoods, children's education, and whether it is financially sound. He also questioned why the wide gap between the per-pupil cost of the proposed high school and other schools built in Virginia. He suggested that it would cost less to expand the present high school at its current site.

Chuck Heckman, a resident of 1555 Shank Drive, said that we should put our tax dollars to use inside our neighborhoods and save our family friendly communities from the same fate larger cities have experienced when moving schools out of the neighborhoods. Neighborhood schools are a major part of that strength. He encouraged City Council to support education and keep the schools in the City.

There being no others desiring to be heard, the public hearing was declared closed at 9:30 p.m., and the regular session reconvened.

Vice-Mayor Peterson questioned if Council had agreed to borrow \$41.5 million in approving the bond issue, are we forced to spend the money for schools. He also questioned what would happen if Rockingham County's Board of Supervisors turned down the Port Republic Road site. Would the City be forced to build on the Smithland Road site? He also said that he was concerned with the prospect of committing to borrowing money for a school without knowing where the school would be built.

Council Member Lantz commented that this has been a controversial issue. He said our role is decide if the City can financially afford to fund the School Board's request. He said that he appreciated everyone comments because everyone had the children in mind. We all have the same goal to provide the best education for the children of the City. No one will admit that the schools are overcrowded; however, the City can't afford two high schools. He also encouraged the School Board to look for a site within the City and to study the configuration of the fourth and fifth grade elementary school. He also said that he believes the county will do what is best for the area, just as the City did when it ran water and sewer lines into the county for a school project.

School Board Chairman Lacey, came to the podium and said, the School Board Liaison Committee met to discuss why the projected cost of the new high school was higher than other recently constructed schools in Virginia. He reviewed statistics showing inflationary factors between the per-pupil cost of the proposed new high school and the cost of recently constructed schools in other areas of Virginia. He also shared statistics showing the growth in the ESL population and special education classes in Harrisonburg. Special need students are state mandated to have smaller classes.

Carolyn Perry, appearing as School Board Counsel, responded by saying if the City Council legally would authorize the issuance of VPSA bonds tonight, September 25th, Council would have to October 9th to back out; however, after October 9th which is the date of the bond sale agreement, the VPSA would have to know whether or not the City is participating and if they are what is the bond amount. October 9th is the absolute cut off deadline for participation in the fall pool bond sale with Virginia Public School Authority. In the event there are extra monies, it can be used for other capital projects for school purposes for the City. It cannot be used to pay off other previous debt.

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND
AWARD OF NOT TO EXCEED \$41,500,000 GENERAL
OBLIGATION SCHOOL BONDS OF THE CITY OF
HARRISONBURG, VIRGINIA, SERIES 2001, TO BE
SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND
PROVIDING FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the City Council (the "Council") of the City of Harrisonburg, Virginia (the "City"), has determined that it is necessary and expedient to borrow not to exceed \$41,500,000 and to issue its general obligation school bonds for the purpose of providing funds to pay costs of the acquisition, construction, and equipping of public school facilities for the City including, but not limited to, a new High School and related facilities thereto (all capital projects for school purposes for the City being designated collectively herein as the Project).

WHEREAS, the School Board of the City (the School Board) has requested, by resolution dated August 7, 2001, the Council to authorize the issuance, sale and award of the Bonds.

WHEREAS, the Council has determined that it is necessary and appropriate to proceed to issue its bonds pursuant to the authority set forth in the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia 1950, as amended (the Public Finance Act), including but not limited to Section 15.2 2601 thereof, and for the Council, as the governing body of the City, to elect to issue bonds under

such provisions of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in the Charter of the City.

WHEREAS, the City held a public hearing, duly noticed, on September 25, 2001, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2 2606, Code of Virginia, 1950, as amended.

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

1. **Authorization of Bonds and Use of Proceeds.** The Council hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$41,500,000 (the "**Bonds**") for the purpose of financing certain capital projects for school purposes as described above. The Council hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution. Upon mature consideration, the Council has determined that it is necessary and appropriate to proceed to issue its bonds pursuant to the authority set forth in the Public Finance Act, as set forth above, and, accordingly, hereby elects to issue the Bonds under such provisions of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in the Charter of the City.

2. **Sale of the Bonds.** It is determined to be in the best interest of the City to accept the offer of the Virginia Public School Authority (the "**VPSA**") to purchase, and the City to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Mayor or Vice Mayor and the City Manager that is not less than 98% of par and not more than 103% of par (105% for bonds with a final maturity or amortization schedule of 10 years or less) upon the terms established pursuant to this Resolution except that in the event the purchase price determined by VPSA would exceed the upper limit of 103% or 105% the City, at the request of VPSA, will lower the amount of the local school bonds to be issued to provide a purchase price for such bonds and a proceeds amount that is within 103% or 105% of the amount requested pursuant to application submitted to VPSA. The Mayor and Vice Mayor of the Council, the City Manager and such officer or officers of the City as any of them may designate are hereby authorized and directed to enter into a Bond Sale Agreement to be dated as of October 9, 2001, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Council at this meeting, which form is hereby approved (the "**Bond Sale Agreement**").

3. **Details of the Bonds.** The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated General Obligation School Bonds, Series 2001 ; shall bear interest from the date of delivery thereof payable semiannually on each January 15 and July 15 beginning July 15, 2002 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The City Manager is hereby authorized and directed to accept the interest rate or rates on the Bonds established by the VPSA, provided that no such interest rate shall be more than ten one hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed five and eighty five one hundredths percent (5.85 %) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The City Manager is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and the Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

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

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

(b) All overdue payments of principal or interest shall bear interest at the applicable interest rate or rates on the Bonds.

7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2011, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2011, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2011, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2011, are subject to prepayment or redemption at the option of the City prior to their stated maturities in whole or in part, on any date on or after July 15, 2011, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be

prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2011 through July 14, 2012	102%
July 15, 2012 through July 14, 2013	101
July 15, 2013 and thereafter	100

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

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

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

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

11. **State Non Arbitrage Program; Proceeds Agreement.** The Council hereby determines that it is in the best interest of the City to authorize and direct the City Treasurer to participate in the State Non Arbitrage Program in connection with the Bonds. The Mayor or Vice-Mayor of the Council, the City Manager, the City Director of Finance and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the City, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager (Mentor Investment Advisors, L.L.C.), and the depository (Wachovia Bank, N.A.). Such Proceeds Agreement shall contain such terms and provisions as may be requested by the VPSA for the issuance, sale and award of the

Bonds, and shall be in the general form as submitted to the City, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Mayor of the Council, the City Manager and such officer or officers of the City as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the City be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. **Filing of Resolution.** The appropriate officers or agents of the City are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of Rockingham County, Virginia.

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

15. **Effective Date.** This Resolution shall take effect immediately upon the approval by Council.

Date: September 25, 2001

[SEAL] Mayor, City Council,

City of Harrisonburg, Virginia

City Manager, City of Harrisonburg, Virginia

CERTIFICATE of VOTES

Record of the roll call vote by the City Council of the City of Harrisonburg, Virginia, taken after lawful notice therefor at the regular meeting of the City Council held on September 25, 2001, at which meeting the City Council, among other things, elected to comply with the authority provided under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia 1950, as amended, including but not limited to Section 15.2-2601 thereof, for the issuance of bonds under the provisions thereof without regard to the requirements, restrictions or other provisions contained in the Charter of the City, the undersigned hereby certify the voting of the City Council on the foregoing **RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF NOT TO EXCEED \$41,500,000 GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2001, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND PROVIDING FOR THE FORM AND DETAILS THEREOF** , as follows:

AYE

NAY

ABSTAIN ABSENT

**Carolyn W.
Frank, Mayor**

X

Dorn W. Peterson, Vice Mayor **X**

Hugh J. Lantz **X**

Larry M. Rogers **X**

Joseph Gus Fitzgerald **X**

Date: September 25, 2001

Mayor, City Council of

City of Harrisonburg, Virginia

ATTEST: _____

Clerk, City Council of City of Harrisonburg, Virginia

Following further discussion and comments, Council Member Fitzgerald offered a motion to adopt the resolution as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Council Member Fitzgerald

No - Vice-Mayor Peterson

Vote: Yes - Council Member Lantz

Mayor Frank

Absent - None

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

RESOLUTION

WHEREAS, Virginia's firefighters, courageous and dedicated men and women, give unselfishly of themselves to assist their fellow Virginians in times of great need; and

WHEREAS, their duties often place firefighters in harm's way, and, tragically, some of them lose their lives in the line of duty; and

WHEREAS, courage, sacrifice, and an extraordinary sense of duty characterize firefighters throughout the Commonwealth and the nation; and

WHEREAS, it is entirely appropriate that those firefighters who have made the ultimate sacrifice in service of their fellow citizens be recognized and honored; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, that the General Assembly hereby designate October 14, 2001, and the second Sunday in each succeeding year, as Fallen Firefighter's Day in Virginia; and, be it

RESOLVED FURTHER, That the General Assembly urges the citizens of Virginia to honor Virginia's fallen firefighters with appropriate observances and ceremonies.

Date

Mayor

Vote: Yes - Council Member Lantzo:p

Attest:

Clerk of the Council

Council Member Rogers offered a motion to approve this resolution. The motion was approved with a unanimous vote of Council.

City Manager Baker presented the following resolutions for Council's consideration of approval:

RESOLUTION TO SUPPORT ADDITIONAL FUNDING

TO IMPROVE RAILROAD INFRASTRUCTURE TO CARRY FREIGHT

WHEREAS, Interstate 81 carries a high volume of truck traffic hauling freight over long distances;
and

WHEREAS, Interstate 81 will be reconstructed over the next 20 years at a projected cost of \$3.5 billion; and

WHEREAS, the Chicago, Illinois to Los Angeles, California rail shipping routes carry approximately 90% of the freight that is capable of being hauled; and

WHEREAS, the southeastern United States shipping routes only carry 35% to 40% of the freight that is capable of being hauled; and

Council Member Rogers offered a motion to approve this resolution. The motion was approved with

WHEREAS, only 1% of the freight is being hauled by rail long along the Interstate corridor from Chattanooga, Tennessee to Harrisonburg, Pennsylvania; and

WHEREAS, approximately 1 million trucks representing 35% to 40% of the freight that is capable of being hauled could be directed from Interstate 81 at a cost of approximately \$1 billion to make necessary improvements to Norfolk Southern Railroad infrastructure;

NOW, THEREFORE, BE IT RESOLVED that Harrisonburg supports efforts to improve railroad infrastructure to carry freight and reduce the volume of truck traffic along Interstate 81 in Virginia and the corridor from Chattanooga, Tennessee to Harrisburg, Pennsylvania in conjunction with plans to widen and improve Interstate 81 in the Commonwealth of Virginia.

Date

Mayor

Attest:

Clerk of the City Council

City Manager Baker explained that Bill Strider, Executive Director of the Planning District Commission is requesting that the City consider adopting a resolution supporting additional funding to improve railroad infrastructure to carry freight. City Council agreed not to take action either way regarding this resolution.

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

**RESOLUTION TO REQUEST FEDERAL COMPENSATION
TO PAY FOR LOCAL EMERGENCY SERVICES
ON FEDERAL TRANSPORTATION RIGHT OF WAY**

RESOLUTION TO SUPPORT ADDITIONAL FUNDING

WHEREAS, Interstates 81 and 64 provide excellent vehicular access to other parts of the Commonwealth and Mid Atlantic Region; and

WHEREAS, these interstates traverse localities within the Central Shenandoah Planning District; and

WHEREAS, the localities within our District appreciate and benefit from the federal interstate highway system; and

WHEREAS, the localities hosting federal transportation right of way provide emergency services to accidents on interstates; and

WHEREAS, traffic and accidents have increased significantly on Interstates 81 and 64 in our District over the past several years; and

WHEREAS, there were 1,855 accidents along Interstates 81 and 64 in our District for the period of July 1, 1997 through June 30, 2000, resulting in 29 persons killed and 1,270 persons injured; and

WHEREAS, approximately 90% of these accidents require a local emergency service response; and

WHEREAS, most local emergency services in the District are provided on a volunteer basis; and

WHEREAS, there is an increasing cost to employers, lost wages, and additional training associated with providing local emergency services personnel in the District; and

WHEREAS, the estimated average direct cost for each local emergency service response on federal transportation right of way is \$630; and

WHEREAS, an additional indirect cost to employers and local emergency services personnel for each local emergency service response is \$240; and

WHEREAS, the estimated direct cost to localities within the District for providing local emergency service responses on federal transportation right of way for the period of July 1, 1997 through June 30, 2000 was \$1,452,000 an average of \$484,000 per year; and

WHEREAS, there is currently no federal compensation to localities to provide local emergency service responses on federal transportation right of way; and

WHEREAS, localities within the District are having increased difficulty to pay for emergency services; and

THEREFORE BE IT RESOLVED, that Harrisonburg respectfully requests that federal compensation be provided to pay for local emergency services on federal transportation right of way.

Adopted Mayor

Attest:

Clerk of the City Council

City Manager Baker explained that Bill Strider, Executive Director of the Planning District Commission, is requesting that the City consider adopting a resolution to request Federal compensation to pay for local emergency services on Interstate 81. Vice-Mayor Peterson offered a motion to adopt this resolution as presented. The motion was approved with a unanimous vote of

Council.

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority, explained that HRHA wants to issue bonds for the acquisition and rehabilitation of approximately 140 apartments multi-family housing facility project in Henrico County, Virginia. The bonds will not be an obligation of the City nor impact the City's debt limit. Council Member Lantz offered a motion to approve this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - None

Assistant City Manager Hodgen announced that the Heritage Oaks Golf Course will open to the general public on Saturday, September 29, 2001. He reminded everyone the golf course will only be open on Friday, Saturday, and Sunday until December 1st. He also announced that the opening day schedule would include some of the City Council Members participating in a contest.

Commissioner of Revenue Hosaflook explained that a request had been made for the City to remove the 1% sales tax on heating fuel. She said that the City received approximately \$67,150 in 2000 in sales tax on the heating fuel. Vice-Mayor Peterson offered a motion to repeal the 1% sales tax on heating fuel and requested that it should be effective October 1, 2001. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

City Manager Baker explained that Bill Strider, Executive Director of the Planning District Commission

Mayor Frank

Absent - None

City Manager Baker stated that the Virginia Municipal League Conference has been scheduled for October 14-17, 2001. Vice-Mayor Peterson offered a motion naming City Manager Roger Baker as the voting delegate and Council Member Larry Rogers as the alternate delegate. The motion was approved with a unanimous vote of Council.

City Attorney Miller presented for Council's consideration amending and re-enacting Section 17-1-2(a) and Section 17-1-3(b) of the Harrisonburg City Code. He explained that these amendments are necessary due to the 2000 Census, which showed that about twice as many people live East of the Main Street as West of Main Street. He explained that the language in Section 17-1-3(b) stated that at every election, all registered voters of the City shall be entitled to vote for three (3) board members, one (1) from the west school district and two (2) from the east school district. This is a carry over of language that has been in the City Code book. Council Member Fitzgerald offered a motion to table this agenda item until the next Council meeting. The motion was approved with a unanimous vote of Council.

The agenda item to consider additional funding for OASIS was tabled until October 23, 2001.

Vice-Mayor Peterson offered a motion to authorize establishing a Petty Cash Fund for the golf course operations. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent - None

The agenda item to consider amending and re-enacting Section 14-1-1 of the Harrisonburg City Code was tabled until the next Council meeting.

City Manager Baker explained that Bill Strider, Executive Director of the Planning District Commission

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

ACTING CITY CLERK

MAYOR

REGULAR MEETING

OCTOBER 9, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr.; Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Vice-Mayor Peterson 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 recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent – None

Vice-Mayor Peterson offered a motion to table amending and re-enacting Section 17-1-2(a) and Section 17-2-3(b) of the Harrisonburg City Code. The motion was approved with a unanimous vote of Council. These amendments state that four School Board Members should be elected from the east school district and two School Board Members should be elected from the west school district. This action is necessary due to the 2000 census. Vice-Mayor Peterson suggested inviting the Electoral Board and the School Board to the next Council meeting to see if perhaps they wanted to make a presentation on maintaining this system or going to an at large system.

Mayor Frank announced that the public hearings to consider a rezoning request by Dunham Bush and amending the Comprehensive Plan would be postponed until a future date.

Planning and Community Development Director Turner introduced a request by Eugene and Jonas Borntrager to rezone 0.52 acres, tax map parcels 25-F-6, 7, & 8 from M-1, General Industrial District to B-1, Central Business District. The lot is located at 205 South Liberty Street. She explained that the Comprehensive Plan's Land Use Guide classifies the area as Commercial. This designation states that this area is suitable for commercial development to include retail, wholesale, or service functions principally found along major travel corridors and in the Central Business District. Currently on the site is a professional office occupied by Layman, Diener, and Bortrager and Twin States Supply Inc. The surrounding uses in the area,

include the Harrisonburg Police Department, Harrisonburg Electric Commission, Cassco Ice Company, Cassco Ice and C&W Railroad right-of-way. The building is a two-story structure, with the first floor being built almost entirely into the ground. This level provides office space for Twin State Supplies, Inc., a salon and barber supply company. The roof of this business is the front parking area for Layman, Diener and Borntrager, Inc. The property owners have requested constructing a roof over their front parking area. In addition, they have expressed an interest in converting this covered parking area into additional professional office space for their business at a future date. The three major issues faced with the sites at 185 and 205 South Liberty Street are that under the current zoning the uses do not meet parking requirements, the structures do not meet the setback requirements and the current uses are considered nonconforming. Initially, the owners asked for a special use permit to allow for the modifications. However, during the review process an alternative solution was discovered. It was determined that a request to rezone the parcels would provide a better fit than a special use permit. A more appropriate zoning classification would be the B-1, Central Business District that provides for areas of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. She said that staff and Planning Commission recommended approval.

At 7:45 p.m., Mayor Frank closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 24, and Monday, October 1, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 9, 2001, at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

REZONING

Public Hearing to consider a request by Eugene Diener and Jonas Bontrager, with representative PHR&A, to rezone 0.52 acres, tax map parcels 25-F-6, 7 & 8 from M-1, General Industrial District to B-1, Central Business District. The lot is located at 205 South Liberty Street.

The Comprehensive Plan designates this area as Commercial, which has uses including retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not property associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. In addition, the B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the

public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business 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 person interested will have an opportunity to express their views at this public hearing. Any individual requiring auxiliary aids, including signers, in connection with this public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker
City Manager

Mayor Frank called on anyone desiring to speak for or against this rezoning request. Mark Byerly, Engineer with Patton, Harris, & Rust and representing Layman, Diener, and Borntrager, offered to answer questions. 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 Fitzgerald offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

Absent – None

✓ At 7:47 p.m., Mayor Frank closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 24, and Monday, October 1, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 9, 2001, 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.

CITY OF HARRISONBURG

Roger D. Baker
City Manager

Mayor Frank called on anyone 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 purchase in-car cameras for the police vehicles. There being no others desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this block grant. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent: - None

David Mills, president of the James Madison University Student Body, introduced himself to City Council and said that on behalf of the entire James Madison University Student Body, they were interested in furthering the partnership between JMU and the greater Harrisonburg community. He said that it has been a busy year one filled with both success and tragedy. This year has demanded his organization and all students to reevaluate their priorities and values. The one value that has gained priority in the aftermath of all this tragedy is one word and that is "Community". The Student Government Community Affairs Committee is charged with establishing and maintaining a constructive working relationship with City Council. He also introduced several other members of the committee.

Fire Lieutenant Miller presented for Council's consideration replacing members of the Local Emergency Planning Committee (LEPC). He explained that the LEPC is a committee required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, otherwise known as the Community Right to Know Act. This legislation requires the locality to establish a system for industry to notify the locality of the type and amounts of hazardous materials used within the community. The LEPC receives and stores this information and disseminates it on request from members of the community. He said that the City participated in a recent mock hazardous material plan. One of the goals of the plan was to make sure the plan fits the needs of the community. The committee is composed of members of the community of various occupations and agencies. The membership of the committee needs to change to allow Assistant City Manager Kurt Hodgen to replace City Manager Roger Baker and Paul Lockwood to replace Bob Dillon as the representative from Rockingham Memorial Hospital. Vice-Mayor Peterson offered a motion to appoint Kurt Hodgen and Paul Lockwood to the Local Emergency Planning Committee. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request to sell City property located at 1781 West Market Street. He explained that this property was purchased when the City widened Garbers Church Road and has been rented since the project was completed. The house is presently empty and should be returned to the tax roll. Vice-Mayor Peterson offered a motion to proceed appropriately with selling the property and directed the City Manager to explore the best way to sell the house. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent – None

City Manager Baker presented a request to declare December 31, 2001 as an additional holiday. He explained that the State and Rockingham County have decided to give their employees December 31st as an additional holiday. The main reason is that the holiday falls on a Tuesday and this will give employees two long weekends. Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented a request to waive a performance bond for Kelly/Tower Subdivision. She explained that when a developer is starting construction on a subdivision plans are submitted showing how the streets will be constructed and the layout of the sewer, water, and storm drainage facilities. She said that a developer has two options for putting in public facilities. If the developer puts public facilities in before the subdivision plat is recorded, it is permitted; however, it means they can't record the subdivision plat until the facilities are in place and have been accepted by the City as part of the City's system. Then the plat can be recorded and the lots can be sold. If the developer wants to start the sale of the lots before the streets, water and sewer are in, they need to post surety to assure the completion of the public improvements and then construction on the subdivision can start. This is the course that most of the developers take in the City and then after the lots are platted, the developer can start selling the lots. However, a situation could be created if a developer sold lots to somebody and then never built the street, never built the sewer, never built the water lines, then people who were expecting to be able to build houses on the lots would look to the City to do something about it because all the subdivision and construction plans had been approved. In that type of a situation the City could call the surety and use the funds to construct the public improvements. She mentioned that the City has come close several times, but has never had to do that. Mrs. Turner said that when she spoke with Mr. Gebre about Hope Community Builders and Kelly/Tower Subdivision, he expresses some concerns about have to pay for one of the surety and asked if there was a way around it. It was decided the only way around it would be to appear before City Council and ask if that requirement could be waived because of special circumstances due to the nature of the subdivision and the funding that it being obtained from the state. Following further discussion and comments, Council Member Lantz offered a motion to waive this performance bond for the Kelly/Tower Subdivision. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent – None

City Manager Baker presented for Council's consideration approving the purchase of the Virginia Department of Transportation Harrisonburg Residency office. The property is located on Chicago Avenue and Waterman Drive. This property will be used as a satellite operation by various City departments. He said that the plans are to use the property for the Department of Public Utilities and Public Works. He said the City has the property appraised at \$453,600. Vice-Mayor Peterson offered a motion authorizing the City Manager to execute the necessary documents. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent – None

Deputy Fire Chief Groah presented an overview of the Statewide Mutual Aid Agreement. He explained that the Statewide Mutual Aid Agreement has been formulated so that in times of natural or man-made disaster, localities can provide assistance to each other with little or no negotiations as to who will be responsible for insurance coverage, damage to equipment or injuries to personnel as well as payment for costs incurred by the assisting locality for salaries, expenses, and supplies used during disaster recovery operations. City Attorney Miller said that if necessary the beginning place for this mutual aid agreement is state statutory and basically a model or form way of working out ahead of time who will be responsible for what, what are the criteria for bringing in assistance from another locality, who has primary responsibility even when an emergency is going on within one community, who pays for what and who remains responsible for their own personnel and property. All of these issues have been discussed and decided, so that at the time of a crisis this model resolution will take place. This is a resolution that states the City Council of Harrisonburg resolves to go along with is taking place in other communities. Council Member Lantz offered a motion to approve this model resolution as presented. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request to increase petty cash in the City Manager's office from \$200 to \$500. He explained that since four departments use this fund for small purchases, it is necessary to reimburse the account weekly. Sometimes the account is short when it is necessary to make a purchase. Council Member Fitzgerald offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent – None

City Manager Baker presented a request for a supplemental appropriation to purchase the Virginia Department of Transportation property. He explained that this property located on Chicago Avenue and Waterman Drive would be used to the Public Works Department, Public Utilities Department, Parks and Recreation Department and Fire Department activities. Vice-Mayor Peterson offered a motion to approve this request for a first reading.

\$453,600.00 chge. to: 1000-31010 Amount from fund balance

\$453,600.00 approp. to: 1000-430221-48227 Old VDOT Site, Land and Building

. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent – None

Economic Development Director Shull presented a request to transfer funds for the Hardesty Higgins House. He explained that these funds will be used for a local match for a Federal grant to renovate the Hardesty Higgins House. It will also establish a capital project accounts to get the project rolling. A grant was received from VDOT to purchase the property and the City does have the title to the building. The remainder of the funds will be used to start the preliminary engineering and renovation of the building. Mr. Shull also that we are in the idea stage, and we're working with the architect on potential uses for the building. A Craft House Advisory Committee has been established to work on the project. Some of the committee ideas include housing the Convention and Visitors Bureau in the building, a history and transportation museum, a gift shop, trolley stop, children's craft room, and a tearoom. One wall of the historic house could be torn down to add more rooms. Mr. Shull said the renovated house will be a "multi-use facility" which would contribute to downtown revitalization. Vice-Mayor Peterson offered a motion to transfer these funds.

\$45,000 chge. to: 1000-940111-49310 Reserve for contingencies

\$45,000 approp. to: 1000-990111-49216 Transfer to capital projects

\$156,800 chge. to: 1310-33527 ISTEIA Grant

45,000 chge. to: 1310-34210 Transfer from the General Fund

\$201,800 approp. to: 1310-910141-48692 Hardesty Higgins House

The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent - None

The agenda item to amend and re-enact Section 14-1-1 of the Harrisonburg City Code was tabled.

✓ Terry Ward read the following statement: I can be reached at the Valley Voice office located on South Main Street and I am speaking as a civilian about the downtown parking (sorry). I have no financial interest in this matter. I'm just here because the 'Burg is my home and I care about parking downtown. Here're twelve paragraphs of prepared text so that I neither ramble nor forget anything—as we know I'm prone to do.

I visited the recent evening meeting of the Parking Authority, where it was said that the Parking Authority does have a mandate to encourage commerce in downtown—and that it does NOT have a mandate to raise money. Good.

The Parking Authority was discussing replacing our parking meters or putting in a parking booth gate just so control space use-not to raise money. In fact, there's not much money to raise to maintain the parking decks each year: from the meeting, just thirty-eight thousand dollars of that, thirty thousand is the electricity bill. Thirty eight thousand is not much for a City this size and revenue could come from other sources like trimming some expenses and perhaps hiking some difference fees by a few pennies per year.

Why obtain deck-maintenance money from elsewhere? Because this self-proclaimed "Friendly City" should give more weight to its own words by resolving to consider seriously the idea of free parking downtown. It is in the City's interest to do so.

Until the impressive public architecture of the last few years, downtown looked almost dead. Hoping for more great public works is unrealistic, yet many boarded-up businesses exist. Rehabilitating them up to Code is very expensive. Downtown is not quite decrepit yet, but it is on the edge.

You can help it move forward or stagnate. If Charlottesville or Staunton charges fifty cents per hour (or whatever) for shoppers' parking, then I urge you to think like businessmen and ruthlessly undercut them with an unbeatable offer. "Shop Harrisonburg with Free Parking Downtown."

Currently the Parking Authority SEEMS only open to new-improved parking meters, a parking deck booth gate, or some combination. But, already people complain about the risk of getting tickets here. Already people resent needing a handful of silver to go window shop. It is illogical then to worsen the situation by taking away even the possibility of finding a parking meter with some leftover time on it, as the recently proposed booth gate would do. At a time when people bitterly resent being charged fifty cents by their A.T.M. to at least get use of their money—SOME would propose charging them that much, or more, just to browse.

That's not Friendly. And it flies in the face of common sense.

Of course we can't be such a Friendly City that we give everything away, but traditionally towns do support some public services without charge to users—most notably ball fields and parks. Supporting Free Parking Downtown would be simple and cheap downtown rehabilitation step.

Would shopkeepers and workers hog the best spaces for themselves? Not if they have the best interest of their own businesses in mind. A little white paint, a stencil, and enforcement from the City can guarantee it. Mark some spaces "thirty minute parking" and some "two-hour parking". Problem solved. This method is low maintenance, cheap, and as the Parking Authority is suppose to support, an encouragement to downtown commerce.

Now two items. Either at this meeting or at a convenient later one, I ask Council to approve the following:

Resolve, the Council is willing to consider with an open mind the idea of Free Parking Downtown.

Also, to maintain public confidence in the unbiased judgment of the unelected Parking Authority, and to eliminate any possible APPEARANCE of impropriety or potential conflict of interest. I ask the Council to approve the following:

Resolved, Parking Authority members shall be ineligible for parking-related paid employment by the City.

This because there's been talk of needing a full-time Parking Director and a Parking Administrative staff after a booth gate would go in.

That's all. I appreciate your consideration and your service.

Council Member Lantz said, "I did not write that, but I agreed with him. I think that is a travesty to charge people to come downtown to shop in our downtown area when we don't have enough cars and traffic to fill half the parking lots." If our Parking Authority can't find a way to monitor

people from parking there all day, then we have a more serious problem than parking. Discussion and comments from Council Members included the Parking Authority is an independent authority rather than an advisory board, Council's only true power over the Parking Authority comes from budgetary control, making money is not the issue, making parking convenient and fair is what Council wants. Council Member Lantz offered a motion suggesting to the Parking Authority that Council is not interested in making money out of the parking downtown. The motion was approved with a unanimous vote of Council.

Public Works Director Baker invited everyone to attend a Parking Authority meeting on Wednesday morning October 9th.

City Attorney Miller said that yesterday, "I had an opportunity to read through the charter amendments after having sat them aside for awhile and not having looked at them for awhile. I realized in that reading that the draft of the ordinance referendum didn't say what I think that we meant it to say. I think that was in part because we became so familiar with what we had written that we didn't notice what it actually said." What was meant and what was put in the summary that the judge ordered to be printed on the ballots which are already out there in the public in the form of absentee ballots and will be because it is my understating that the ballots for November are pretty much if they are not printed they will be printed. The language of the summary of this charter amendment is correct on this point that the summary states that "it's a majority of the voters voting that will determine whether an ordinance is approved or not approved. It is a majority of the voters voting. That was the key in the summary that went to the judge and that he entered in his order. Unfortunately the draft of the whole full blown charter amendment reads as follows: "If in the duly ordered referendum election, a majority of the registered voters residing in the City vote in favor of the ordinance that it becomes an ordinance if a majority of such voters vote against so the implication of that is that you would have to take or get 50 plus percent of everyone registered to vote which I do not believe was the intent or the understanding of the people in favor of this. So what we have is a draft of the full blown charter amendment that says a majority of voters residing and we have a summary that says a majority of voters voting and the majority of voters voting is what was the intent and what I think the three Council Members, but this where I certainly could be corrected. The three Council Members who voted in favor of sending this to the Circuit Court that was their understanding and I don't mean to dismiss the other two Council Members, but the point there is simply that the three people who passed this had something in mind. I have drafted and I think that you all now have a copy in front of you of an affidavit that I believe is the way to fix this. Basically it puts the matter in the Circuit Court lap. A presentation would be much as I have said in the last minute or two. "Your honor this is what happened and here is an affidavit that signed by those three people who constituted a majority that says what we meant was this substitute language that is in the second paragraph, it is in paragraph five the second associate language that clears this up. Judge what do you want to do?" Changing the summary on the ballot is not an option at this point, at this time on the calendar because the ballot is already out there. The absentee ballots are out there and some have already come back, I believe, people have already voted on the summary and in fact the summary is correct. A wise lawyer would never predict what a judge is going to do. I am not saying much, I am not going to predict what he is going to do, but it seems to me other than saying yes I will allow the language in the full blown draft to be the way I would present to him to be corrected. I really view this as an administrator error and not a policy error, not a

content error, I don't see this as an attempt to change something after the fact. I see this as a matter of trying to correct an administrator error. Almost a typo although it is a little bit more extensive than a typo, but it is almost a typo, typographical error. I would hazard a guess that the judge is probably going to let us do that.

Council Member Fitzgerald asked, "What happens if we do nothing?"

City Attorney Miller said that if we do nothing, I believe we got a cloud on this thing, at least. We have a cloud because the law says that the summary is supposed to be a summary of the actual body of what the charter amendment is supposed to be. Certainly the cleanest, the purest way to proceed after the referendum vote is if the citizens say "yes we like this" then we would want to simply take what was submitted to the court and hand it to our local representatives, our senator, and our delegate and say "Will you please carry this to Richmond and get this passed." Now the question has come up can you make any modifications between Harrisonburg and Richmond after the referendum vote and I have to tell you that the statutes just don't really speak to that. I mean they don't say that you cannot that you can't make any modification or the question could be phrased "Can the General Assembly, once it gets down to the General Assembly, can they say well we don't want to approve the way this is drafted, but we could approve it, we would approve it with some slight modification. The question, can they do that, and frankly the statutes in the state constitution provisions that talk about doing this don't really say they can do this, or they can't, they do write our charter, so they could rewrite our charter it seems to me. So I think that in all likelihood yes they could modify it and they could amend it for us. But, I would characterize this as a relatively minor problem and I would characterize it as an administrator one and not anything more than administrator one. So what I am suggesting is that I be told by Council to submit this affidavit with an appropriate motion to the court, and the motion would be that the court enter an order amending this paragraph of the ordinance referendum. That is my suggestion on how to fix this.

Council Member Lantz asked, "What if we would withdraw what we originally did and re-submit it, would that be cleaner yet? Then the judge wouldn't have to be on the spot to make a decision."

City Attorney Miller responded, "It could and what the practical affect of that is that we miss the 60 days for this November election so then we are putting off that referendum. The item will stay on the ballots because again my understanding is that they all are printed even the absentee ballots, so people will vote and this issue would simply not be certified in the end. I guess probably mechanically speaking the judge would probably enter an order telling the Electoral Board, "don't certify the vote on this particular referendum issue, go ahead and certify it on the other two." So those votes wouldn't be counted or wouldn't be bothered with and then yes sure it could be resubmitted at a later date. That is certainly an option. It may be one that the judge decides to go with he may say I am not going to monkey with this language, I am not going to certify or tell people not to certify that vote, that may be a way he goes.

Council Member Rogers said, "One of the things that you know Tom you said that this is a pretty minor, but however you caught it after spending so much time with is that you laid it aside and then you caught it yesterday. Couldn't there be other things in here that we need to be concerned

about because that was one of my issues in the beginning about us rushing through this to get it on this ballot. Now we got to go before a judge to try to make it work right."

Council Member Lantz said, "I think that Larry is right, it is a minor error, but it is a very blatant error and I think that this builds the case that I have said before and that is that there needs to be a committee and citizen input on this so that these kinds of blatant errors don't occur in the future. The impact of these charter amendments will make the school issue and golf course pale in comparison to the ramifications and yet we opened it up to the school issues to many, many, many public hearings and not one single voice has been heard about these charter amendments other than Council Member Peterson's words on it."

Vice-Mayor Peterson said, "I believe we did have a public hearing on this with people speaking about it. Margaret Haynes spoke about it. There were other people at that same public hearing who voiced support. There was a public hearing."

Council Member Lantz said, "Yes, Margaret Haynes did voice her concerns." Did anybody have any public comment as to some of the advantages or disadvantages and really have public input. We only had one session. We have been criticized as a Council for having as many as eight or ten sessions with the school issue for not getting enough public input and here we've got an issue that had just one session and maybe one or two people to speak to the issue. The ramifications of these charter amendments are far reaching that I think the people need to be aware of.

Vice-Mayor Peterson agreed that the ramifications are far reaching and the reason why the approach to do this is to put it before the population to vote on it is because they are so far reaching and people should be allowed to make that decision not just Council. "I accept complete responsibility for this mis-wording, I don't know where it got into the original forms, but somehow you see something so often you keep reading it and you see what you expect to see there and not what is really there and in fact when I sat down to write the summary I wasn't looking at the charter I just wrote down what I knew was in the charter amendments as a summary and that's why the summary came out correct because I was writing down what I knew was in the charter amendments and somehow I never noticed this thing where it says voters residing rather than voters voting. I haven't done the research, but I would be extremely surprised if there is a single political entity in the United States that has a referendum where in fact it is a majority of the registered voters who have to vote one way or the other to approve or disapprove an ordinance on a referendum." It is always a majority or possibly a super majority of those voting. But, never of those who are just registered and don't bother to go to the polls. So this is a very peculiar wording as it is and it is obvious from the summary that what was meant was the more normal interpretation of a referendum. Voters go to the poll and if 50 percent plus one person vote in favor of the ordinance it passes and if 50 percent plus one vote against it, it fails. That is just what a referendum is defined to be. I accept full responsibility for not noticing this. I read those charter amendments over and over again and somehow my eyes just went pass that over and over again."

Council Member Rogers commented, "Dorn, you pointed out to us that you are a scientist and I don't expect you to do that, but the lawyer even looked over it as well and he just caught it yesterday and Mr. Miller has worked with you so we have had the best in our society a scientist

and a lawyer and then we still you know have some discussion here so that's the reason I think haste makes waste."

Vice-Mayor Peterson said, "It is an accepted mistake, it is true if back last in September a year ago when I had first proposed this if Margaret Haynes had come forward at that point and said you have been very nice now and said that you won't propose this for a year because Larry and Hugh were asking very strongly that you do not do it and you backed down, lets sit down and lets make a commission to look at the whole charter and think of all of these things that would have been a good suggestion a year ago and then we could have been working on it. But, I am a little upset with having made the compromise to wait a year and then be accused by the two of you of rushing into it when in fact they are presented a year later. A year warning is not exactly rushing into something."

Council Member Fitzgerald said, "Before we get too far into this, the three things that strike me are number one people ought to know what they are voting on and it's four weeks to the election and number two is we should have got this right to begin with. I read these things myself and I should have caught it in my role as a former editor if not as a Council Member. The third thought is that we made the error here that I don't think we should be tossing it to a judge at the midnight hour asking him to fix it for us between now and November."

Vice-Mayor Peterson said, "It might be a matter of just whether his opinion is to whether or not it is an important change or not and certainly giving him the affidavit let him decide whether or not it is something that has to be delayed or not."

Council Member Fitzgerald said what I am saying is I don't think that he should decide, I think that we should. I think we should decide to revisit this for May. We should have done that to begin with.

Council Member Lantz said, "I actually would like to make a motion that we do that for the very reason that it would give us time to have some public hearings get some input because I don't know all the ramifications of what these charter amendments mean and I don't think that you do either, but we may hear from the public who has ideas and things that we never even thought of but yet we've not even really not had a public input into this. I think that is what Joe is saying that it will give us time to do it rather than having it on the November ballot. As a matter of fact if you look at the ballot it has already been prepared. On our three charter amendments you have to flip the ballot over on the back to even get to them. So they take sort of a second seat, but in a May election people that have a deep concern for this City not just a national election or state election, but a deep concern for this City, they are the ones who are going to be voting in May, I think those are the people we need to listen to and that will give us time to open it up to the public to have some public hearings like it should have been done in the first place. So I would like to make a motion that we withdraw our whatever the official document is called, what is it called?"

Vice-Mayor Peterson said, "Can we even do that is the question, I mean that still has to go back to judge and he has to decide, isn't that true."

City Attorney Miller said, "Yes we are in somewhat uncharted waters here, but I believe that at the very least we have the responsibility to make the court aware that there is this difference and hearing what Council may be about to say our suggestion at that point to the judge would be we ask that you order the Electoral Board to simply not certify this one issue I think would probably be the way that he would then go."

Council Member Lantz said, "Is it possible to strike out the back side of the ballot?"

City Attorney Miller said, "I would think that would be mechanically impossible, but we could check with the Electoral Board whether that is possible."

City Manager Baker said some people have already voted on it.

City Attorney Miller said, "The absentee ballots have already been voted on, I think that Mr. Lantz's question would be the ballots that would go into the polling places. That one charter amendment wouldn't be certified, but the other two charter amendments are there and could be certified."

Council Member Lantz said, "Then my motion would be that we pursue whatever is necessary on the attorney's part to have all the charter amendments withdrawn to give us time to discuss them to have some public hearings and then try to get them back on the May election. So that would be my motion."

Vice-Mayor Peterson said, "Since there is no cloud over the other two is the court going to be willing to let us withdraw it once its been approved and entered?"

Council Member Lantz said, "Well that is what I am asking him to find out, that was my motion to see if it can be."

City Attorney Miller said, "I see no reason why. The Council has asked for them to be on the ballot, I don't see why the Council could not say we have changed our minds for now and would rather they not be certified. I don't see why it couldn't do that, again the statutes that set up this procedure do not specifically address that issue. They do not tell us how to withdraw."

Council Member Fitzgerald said we can either leave them as they are and attempt to fix the flawed one or we can move the flawed one to May and leave the other two intact or we can ask to have all three withdrawn or ask that the court direct the Electoral Board not to certify them.

Council Member Lantz said that the reason I made that motion to withdraw them is that I firmly believe we have not had adequate public hearings and adequate education not just on the referendum idea, but the recall and the appointment of Council Members when there is a vacancy. None of these have really had adequate public hearings so that was my reason for making the motion that we withdraw all of them and not confuse the public. I think that it would be very confusing to say the middle one is withdrawn, but the other two are still valid. I think that it makes more sense to do them all at one time whether in November or whether it be in May. I think the decision should be whether we do all or none at this point.

Mayor Frank asked, "Hugh and Larry when you asked Dorn to postpone for a year, why didn't you take any initiative to talk to people, plan a strategy and address these issues. Dorn gave you a year because you asked him to; however, in that year neither one of you did absolutely nothing. Dorn went on the radio and put an article in City Hall Update in the newspaper. I guess I feel like the citizens have been waiting for this opportunity to go to the ballot and here we are again saying "Oh sorry!"

Council Member Rogers said that one of the things is that the issue before us now is that we are re-hashing this and we are a policy-making board and our issue is tonight as a policy-making board. "We don't have it correct to present to the public and that's the issue."

Council Member Lantz said, "My issue goes a little bit deeper than that and to answer your question, when I thought that Council Member Peterson was going to bring this up that there would be adequate time for public hearings, public comment sessions, and it wouldn't happen in two Council meetings. So I thought when he said I will delay it for a year that didn't mean forget the public input. I thought when he did come back with it in a year there would be public input on it and so people could become educated about it."

Mayor Frank said, "You sat on Council for seven years and it is always when we have public hearings and people come and we did have a public hearing and then we voted the next week."

Vice-Mayor Peterson said, "It wasn't like the old town public hearing for instance or some of these others where there is lots of interest in the community. It was a few people. If there had been a large amount of interest it might have been better, but I think the people who were interested in it came and talked. There was adequate advertising of that, there was the City Hall Update the previous week. I am curious about this."

Council Member Lantz said, "I believe the reason there was a lack of interest is because people didn't understand it. We didn't tell them exactly what all the ramifications and all this means because I still firmly believe that these charter amendments are so massive in the ramifications of this City that the school issue will pale in comparison and the reason that there is a lack of interest is people don't understand them."

Council Member Fitzgerald said we are covering a lot old ground. "I think that the referendum is too flawed to continue for this election. At the same time if people are going to the polls with some idea, I don't know how vague or exact it might be that there are three things to vote on and on one of them the vote doesn't count and on the other two it does. I basically think that we should put the whole thing off until May and let the Circuit Court know that is our intention."

Vice-Mayor Peterson said, "I have to agree with Hugh that either they should all be on or they should all be in May. In one case we are asking the court to terminate a vote on two that have been perfectly validly ordered to be on the ballot and are on the ballot and we are asking them to terminate it long after the deadline for making the decision. In the other way we are asking the court to make essentially a one-word change. A one word change that is in fact making the full text equivalent to the summary which most of the people are reading when they are voting on

this. That seems a much more minor change. I really don't know how the court is going to feel comfortable about this. I am not a lawyer. Are they going to be more comfortable about terminating two that are perfectly valid or making a one-word change in the third one when it was obviously what was meant when the vote was taken. I don't know that Tom can answer that question. It is something that probably has to be brought before the court and asked."

City Attorney Miller said, I think that is true and I really don't think the court is going to be terribly disturbed either way. I think that the court could see this might very well see this as an administrative because I think that it a little bit more than a typo, but it is not much more than a typo and I think that the court could very easily see it that way and say sure because the saving grace here is that the summary was correct and that's what the public has the most interaction with. That is what they are voting on. But, I don't think the court is going to lose a lot of sleep or be terribly concerned by saying all right the Council started this, the Council started the whole ball of wax. If the Council decided they want to pull it all back I don't think that the court is going to be terribly upset about that either. I really think that the view would probably be at this point so far this is Council's project and if Council wants to put it off I think that he probably wouldn't have a lot of concern about that either. I do think that the court would see the error as being largely as being administrative and not have a big problem with correcting the body of the text to match what was intended."

Vice-Mayor Peterson asked, "Is it reasonable to go forward with this affidavit as you have written with an understanding from Council that if the court has trouble with making that change that it is our request to the court that all three be delayed until May?"

Council Member Rogers asked City Attorney Miller if he wrote this.

City Attorney Miller answered yes.

Council Member Rogers offered to make motion, but was reminded that Council Member Lantz had a motion on the floor.

Council Member Lantz said, "The other issue is that it was a split vote when it went before in the first time so I don't think that the judge will have a problem with bringing it back. If we can get enough public input hey maybe Larry and I will have an unanimous vote the next go round to submit it to the ballot. Because I feel like it needs to go, but the public needs to be educated and I don't feel like they are educated at this point on the ramifications of the impact that the charter amendments are going to have. So that's my reasoning. So my motion was already that we withdraw all three of them and that Tom pursue going to the judge and see if we as a Council can withdraw all three from the certification of the vote."

Mayor Frank questioned what is that saying to our public.

Vice-Mayor Peterson said it is saying sometimes we make a mistake.

Mayor Frank asked, "If the referendum went just like it is written would it be tougher to have a referendum?"

Council Member Lantz said the Electoral Board would not certify it.

City Attorney Miller said that there you would have at the very least a legal cloud because you got language in the body and it is not the same as different as what is in the summary. I think that it has to be addressed.

Mayor Frank said couldn't we have actually passed these ordinances with a three to two vote and not even taken it to the public for a vote.

City Attorney Miller said passed in the sense that you could have sent it to the delegates and senators and asked them to take it to the General Assembly.

Mayor Frank asked why couldn't it be left on the ballot as a poll of our citizens how they felt about referendums.

Vice-Mayor Peterson said that we aren't allowed to have a straw vote.

Council Member Lantz said the one member of the Electoral Board has stated that if it went through just like it is now with the document saying one thing and the summary saying another because of that conflict they would not certify the results of that particular item.

Vice-Mayor Peterson asked, "Is it conceivable that if we went with that motion the judge would say no I am not going to remove the other two from the ballot, they are valid. Then I think that we are making life worse for ourselves because I would prefer to have all three voted on at the same time. I am worried about the motion as you stated it. Once we pass and send forward to the judge there is no fall back here."

City Attorney Miller said, "There is no way to predict, but again I don't see the judge, again the statue doesn't speak to how do you get back once it gets started, it doesn't say you cannot withdraw it, and I see no reason why you could not withdraw. I don't see why the judge would say I am not going to do that."

Council Member Lantz said, "If he would, I think Dorn, what would really happen is that if he failed to do that then he also would more than likely fail to change the wording in it so what it would do would go through the electoral process and the Electoral Board would not certify the results of that one item out of the three if he refused to change it or send it back to us."

City Attorney Miller said there is of course another stopgap and that is the sending of the other two to the representatives. You could talk to the representatives and say we would rather do this in May. If they don't go to the legislature at the next general assembly or they go and are not passed, they die according to statute at that point. Then you start the process all over again in May.

Vice-Mayor Peterson said, "I think the motion as stated by Council Member Lantz is the wrong way to do it, but since that is the motion on the floor, I mean that I think the appropriate thing is to take the affidavit as Tom has written it to the judge, but lets vote on Hugh's motion."

Council Member Lantz again stated that his motion was to withdraw all three-charter amendments. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Council Member Fitzgerald
Council Member Lantz

No - Vice-Mayor Peterson
Mayor Frank

Absent - None

City Manager Baker presented a brief update on the Simms Building. He explained that the building inspector had conducted an inspection of the building to determine areas that will need repairing and renovations. The building is used for a polling place. The bathrooms need repair, walls need to be re-pointed, a water heater needs to be removed from a bathroom and installed in another area of the building, and it is not handicap accessible. He also said that he had requested that the School Board provide an approximate cost of the utilities for the building.

Council Member Lantz said that several people and organizations have approached him requesting free passes for the golf course. Following further discussion and comments, Council suggested that Golf Course Advisory Committee determine the appropriate way to handle these requests and make recommendations concerning these requests.

Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: the Community Services (Chapter 10) Board, the Board of Viewers, the Upper Valley Regional Park Authority Board of Directors, the Harrisonburg Parking Authority, the Building Code Board of Appeals, the Parks and Recreation Commission, and the Harrisonburg Electric Commission. A closed session is permissible for this purpose pursuant to Section 2.2-3711-A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to the acquisition real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711-A.3 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related the investing of public funds where bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected. A closed session is permissible for this purpose pursuant to Section 2.2-3711-A.6 of the Code of Virginia (1950), as amended (the Code). FINALLY, the purpose of the closed session is for the discussion of matters relating to probable litigation. A closed session is permissible for this purpose pursuant to Section 2.2-3711-A.7 of the Code of Virginia (1950), as amended (the Code). The closed session is also for the purpose of considering the location or relocation of new business in Harrisonburg pursuant to Section 2.2-3711.A.5 of the Code of Virginia (1950), as amended (the Code).

At 9:40 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I 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 matters as were identified in the motion by which the closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Fitzgerald offered a motion that City Manager Roger Baker be appointed to a term on the Upper Valley Regional Park Authority Board of Directors to expire on October 1, 2005.

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

Lyvonne Ryan Carolyn W. Frank
CITY CLERK) MAYOR

SPECIAL MEETING

OCTOBER 17, 2001

At a special meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr.; Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Mayor Frank called the special meeting to order. The meeting was called under Section 2-2-6 of the Harrisonburg City Code by Council Members Hugh Lantz and Joseph Fitzgerald. The purpose of this meeting is to consider action on the charter amendments on the November 6th ballot.

✓ Council Member Fitzgerald offered a motion to engage the services of the firm of Litten and Sipe represented by Donald Litten to represent the City in this matter until its conclusion. Following further discussion and comments, City Council Members agreed to table the motion until the closed session has ended.

At 7:35 p.m., Council Member Fitzgerald offered a motion that Council enter a closed session for the purpose of discussion of matters relating to probable litigation. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code). The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent – None

At 8:18 p.m., the closed session ended and the regular session reconvened. The following statement was read and agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 37 of Title 2.2 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed meeting were convened, were heard, discussed or considered in the closed session by the City Council. The recorded roll call vote was taken as follows:

Vote - Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald

Council Member Lantz
Mayor Frank

Absent – None

Attorney Donald Litten read and presented the following resolution for Council's consideration of approval:

**A RESOLUTION RESCINDING THE COUNCIL'S ACTION OF
AUGUST 28, 2001,
CONCERNING CERTAIN CHARTER PROPOSALS**

Whereas, on August 28, 2001, this Council passed a motion (the "August 28 Motion") requesting that the Circuit Court of Rockingham County order a referendum concerning three proposed charter amendments (the "Charter Proposals"), and

Whereas, in furtherance of the council's action, the City Attorney filed such a request with the court, including the text of the proposals referred to in the August 28 Motion, as well as summaries prepared for use on the referendum ballots, and

Whereas, one of these Charter Proposals (the "Ordinance Referenda Proposal," or "ORP"), was intended to allow for referenda in which citizens could reject or affirm certain ordinances and resolutions, and

Whereas, the Ordinance Referenda Proposal, as referred to in the August 28 Motion, misstated the council's intent by providing that a majority of the "registered voters residing in the City" would be required to affirm or reject a resolution or an ordinance, while the Council intended that a majority of those voting on the issue would be required, and

Whereas, the summaries prepared for use on the ballots correctly stated the Council's intent, and

Whereas, in an order dated September 4, 2001, the Court ordered a referendum concerning the Charter Proposals, specifically directing that the proposed summaries be placed on the November 6, 2001 election day ballot, and

Whereas, after discovering the error in the August 28 Motion, the Council directed the City Attorney to request that the Court order all three Charter Proposals removed from the November 6, 2001 ballot, and

Whereas, on October 16, 2001, after hearing the City Attorney's request, the Court declined to order the removal of the three Charter Proposals from the ballot, and instead order *nunc pro tunc* that the ORP summary for the ballot be revised to conform to the text referred to in the August 28 Motion,

Now, therefore, be it resolved by the Council of the City of Harrisonburg, Virginia that after due investigation, this Council finds that

1. At no time did this Council intend for the ORP to require a majority of *all* registered voters to affirm or reject an ordinance or resolution. In many elections, only a minority of registered voters actually cast ballots, so if such a requirement were implemented by the General Assembly, many council actions could be neither affirmed nor rejected.
2. Instead at all times, this Council's intent was for the ORP to state that in a referendum concerning an ordinance or resolution, a majority of the voters actually casting ballots should control.
3. After reviewing the Council's procedures on August 28, 2001, the Council finds the August 28 Motion to be *ultra vires* under §56 of the City Charter, because the August 28 Motion was not in the form of an ordinance or resolution, as prescribed by §2-1-1 of the City Code.
4. The State Board of Elections is of the opinion that the Court's *nunc pro tunc* order cannot be complied with at this late date, because absentee ballots are already circulating. Additionally, the Council's original misstatement, followed by the court order and the second, corrective order would surely cause significant voter confusion concerning all three Charter Proposals. Any election results would bear the taint of this confusion.
5. Under Virginia Code §15.2-201, this Council is vested with the authority to determine whether referenda should be held concerning proposed charter amendments. Given the uncertainty and confusion which surround this issue, this Council does *not* desire any such referenda to be held for the Charter Proposals on November 6, 2001.

Be it further resolved that

1. This Council requests that the Circuit Court of Rockingham County vacate its order of September 4, 2001 and its *nunc pro tunc* order of October 16, 2001.
2. Though the Council finds the August 28 Motion to be *ultra vires* and void *ab initio*, to the extent it has any validity, the motion is hereby vacated, repealed, and extinguished.
3. The Council requests that the Electoral Board of the City of Harrisonburg and the State of Board of Elections reprint ballots so

that the Charter Proposals are not referred to. To the extent that the ballots cannot be reprinted, the Council requests that no results be certified from the Charter Proposals.

The City Manager is directed to take any measures necessary to implement this resolution, including without limitation the retention of Litten & Sipe LLP to make appropriate filings and arguments before the judiciary.

Resolved this 17th day of October, 2001.

Mayor

CLERK'S CERTIFICATE

I certify that I am the Clerk of the City of Harrisonburg, Virginia, and that the foregoing is a true copy of a resolution adopted by unanimous vote (5-0) of the City Council at a special meeting duly called on this 17th day of October, 2001.

The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent - None

Clerk

Council Member Fitzgerald offered a motion to adopt this resolution as read. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Mayor Frank

Absent - None

Council Member Lantz moved to resolve that the City reimburse the local Electoral Board for legal costs that they may incur concerning this legal matter over the City's proposed charter amendments. The recorded roll call vote was taken as follows:

Vote: Yes – Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

Absent - None

At 8:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

Lynne Ryan Omelman
CITY CLERK

Carolyn W. Frank
MAYOR

REGULAR MEETING

OCTOBER 23, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr.; Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Vice-Mayor Peterson offered a motion that the Council resolve to approve the consent agenda, including approval of the minutes of the October 9 and October 17 City Council meetings, and the second reading of a supplemental appropriation for the VDOT property. The motion also included approving the second reading of a rezoning request by Eugene Diener and Jonas Borntrager. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Council Member Rogers
 Mayor Frank

Absent – None

Planning and Community Development Director Turner presented a brief report on the recommendation from the Planning Commission concerning the purchase of Harrison Plaza located at 101 North Main Street. She explained that the Planning Commission had reviewed the appraisal report and other information, which had been forward by the Assistant City Manager. She said that after consideration and discussion the Planning Commission voted 5-0, with Dr. Peterson abstaining to recommend against the purchase of the Harrison Plaza building by the City of Harrisonburg. Reasons for denial were that the property is overpriced, it is a mismanagement of the efforts to encourage private businesses in the downtown area, and there is not enough information available to make a positive decision for the use of Harrison Plaza.

Glenn Hodge, attorney for Medical Arts of Rockingham, representing the owners of Harrison Plaza, said that the issue Council had to consider was whether to accept the recommendation of the Planning Commission or reject purchasing the Harrison Plaza property. He said that Medical Arts of Rockingham requested that Council do the right thing for the citizens of Harrisonburg and the departments that intended to use the

Building. The City should close on the contract, which has been signed by the City Manager. He said that the Planning Commission has ventured beyond its statutory prescribed duties. Both the City Code and Code of Virginia limit the Planning Commission in considering whether a public building should be constructed or authorized to issues of "General location, character, and extent". Nowhere does the City Code or the Code of Virginia mention that cost is a factor for consideration by the Planning Commission. In fact the City Code provides that referral to a Planning Commission may be waived by the Council in any instance when the Council deems it advisable to do so. He said that it wasn't necessary to refer the matter to the Planning Commission since it is an advisory body with limited areas of inquiries. The City Council was aware of the appraisal when it authorized the City Manager to sign the contract to purchase the building. He said that the purchase price for Harrison Plaza was a good deal for the City. The figure used for a replacement cost of the building was \$64.49 per square foot and he said does anyone actually believe that you could get a building of this character and quality construction for that price? Mr. Hodge said that estimates based on a nationally respected building price guide were closer to \$118.00 per square foot. He again asked the City Council to reaffirm its contract with the building's owners and reject the Planning Commission recommendation.

Mayor Frank said that there wasn't any negotiation price. The Harrison Plaza owners presented the price of \$3.75 million to City Council.

Bucky Berry questioned whether the City Council had given the City Manager authorization to sign the contract.

Bob Steere, a member of the Planning Commission, said that he was not speaking for the commission but as a taxpayer. He reviewed information that has appeared in articles of the Daily News-Record and the comments of the reporters. He questioned if a decision was made in closed session regarding purchasing this property why wasn't it voted on after City Council came out of the closed session.

Council Member Lantz commented that he knew Mr. Steere has served on other localities Planning Commissions so he knew that you can't rely on the newspaper to get all the facts right. Mr. Lantz clarified that he had been quoted in a newspaper article as saying it should not have been sent to the Planning Commission for a recommendation if City Council had authorized the City Manager to sign the contract. It should have been for informational purposes only.

Dale Metzler, a resident of 1513 North College Avenue, said that he was really confused concerning the whole issue. He said if the Planning Commission could only act in an advisory capacity why did City Council ask the Planning Commission for their recommendation?

Vice-Mayor Peterson said that his recollection of the specific discussion held in closed still remains a little bit hazy. He said that he remembers four Council Members saying the price is reasonable and it would be a good deal for the City. He said, "We did not

specifically say to the City Manager, but Roger don't go out and sign a contract until we have heard from the Planning Commission on their recommendation. If I had it to do over again, that's what I would have done." He said that he abstained when the Planning Commission took its vote on October 10 because he had questions about the building's appraisal and cost. He said our choice is whether we are going to buy Harrison Plaza or build a new facility. It is replacement costs that matter and on replacement costs this is a good deal for the City. He said, "I am still willing to vote in favor of purchasing Harrison Plaza."

Council Member Fitzgerald commented that he was not certain all of the questions would be answered as far as the order in which City Council did things. He said, "I do recall that during the meeting when we told Roger we were going to buy the building we were discussing at a point some board or commission appointment and one person commented that we should appoint a female to that position and somebody else said what about that guy we interviewed and I noted he was not a female. What I remember next was Larry Rogers's voice coming across the room saying it is 12:30 at night and Joe Fitzgerald is still sharp. Maybe Larry was wrong and maybe we weren't very sharp at that hour. The one thing that everybody concerned is certain about is that we gave Roger the go ahead in closed session to purchase this building. There was nothing underhanded about it. It probably had more to do with the fact that it was 12:30 at night than anything else. Obviously we didn't do things in the right order so we blundered it a bit. We should reaffirm the vote for two reasons, number one it's what we said we were going to do and number two it's still a good deal for the City. We have learned some valuable lessons and the next time we will be more clear on referring something like this to the Planning Commission and saying exactly what it is we want them to look into and exactly what questions we want them to answer for us. We didn't do that in this case and it came back to bite us." Mr. Fitzgerald pointed out that this was the first time in 16 months that this Council had voted against a Planning Commission recommendation. In this case we came to different conclusions.

Council Member Lantz commented that nobody should imply that Roger Baker is a scapegoat in this situation. He did exactly what we instructed him to do. The only right thing to do is honor our contract.

Council Member Rogers said that he agreed with Council Members Lantz and Fitzgerald, and Vice-Mayor Peterson.

City Attorney Miller said under the Freedom of Information Act, Council is permitted to discuss the terms that it will be negotiating to purchase real estate or a building in a closed session. It is anticipated by the legislators across the country that decisions are going to be made in closed sessions. You will get to a point in the discussion in closed session where the members will say "all right this is what we are going to do". The law says there shall be no secret ballot and no written ballots. The general understanding of that is that decisions that are made in closed sessions are not illegal, not immoral, and they are not sneaky. Everybody knows decisions will be made in closed sessions, but then what happened next is; in open session that public body confirms what it did in

closed session. Mr. Fitzgerald reminds us that this particular closed session ended somewhere after midnight. Would it have been practical to go back into open session and ask Colonel Harper to open the door and say, "Everybody who is waiting out in the hall at 12:30 a.m., come on in now because we are going to have an open session now and take a vote." There wasn't anybody out there nor were there any press members or television cameras present. Therefore, at the next open session you reaffirm what you did in closed session. That is what needs to take place tonight because the decision that was made in closed session some meetings ago needs to be reaffirmed. A decision was made to purchase Harrison Plaza. That decision needs to be reaffirmed for FOI purposes, but it is not an illegal thing if that decision gets reaffirmed tonight. This is an open session. It can be reaffirmed. Mr. Miller also clarified that the issue to be determined when you get to the bond issue stage is how do we come up with this money? Are we going to come up with it by issuing a bond or we going to come up with it some other way? But, the public hearing on a bond issue is not to re-address do we want to buy this building or do we want to do this project. That is not the issue at a bond public hearing. It is not an opportunity for opponents of the project to get one more shot at shooting the project down. The question is do we finance this project by a bond, or use bank financing, or owner financing, or somehow come up with the money. At some point you have to start the process somewhere. You can't start the ball rolling for a bond issuance before you know what property you are going to buy and what price you are willing to pay for it. Mr. Miller said that State Code 15.2.2232 mentions the purchase of real estate. But, our City Ordinance, which does not do a real good job in clarifying the language, does talk about the purchase of real estate being referred to the Planning Commission. However, he said, "To the extent that Planning Commission recommendation is an examination of the financial wisdom of this project that is out of bounds for the Planning Commission. It is beyond their jurisdiction." So the extent of Planning Commission's recommendation is not based on whether they think it is a good idea from a financial perspective.

Council Member Roger moved that we resolve that the City purchase the Harrison Plaza located at 101 North Main Street. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Council Member Rogers

No - Mayor Frank

Absent - None

Mayor Frank stated for the record that her no vote was not against the police or fire department because a new public safety building was needed; however, she disagreed with purchasing Harrison Plaza for the public safety building.

Dr. Crystal Theodore, President of OASIS, appeared before City Council requesting additional funding for OASIS. She said that last year City Council had generously granted funding requested by the Shenandoah Council of the Arts for the first year of its five-year business plan. City Council also agreed to review OASIS financial situation each of the following years. Since then a new policy for funding all arts venues has been adopted by the City Council. She explained that OASIS is doing far better than originally expected, but it cannot yet function completely on its own. Exhibits are changed every two months and each change is marked by a reception open to the public. She said, "I am very proud of OASIS accomplishments, but it is having a problem with funding arrangements. OASIS does not lack creativity or willingness to work hard. But, OASIS financial situation can nullify some of the factors. She said, "We are hoping that City Council will consider a grandfather arrangement to keep us on track."

Dr. Cole H. Welter reviewed the Shenandoah Council of the Arts including OASIS financial statements. He explained the group's first-year expectations and its expenses have been about \$11,000 less than anticipated. Still, the gallery operates at a deficit, as operating revenues are about \$1,000 a month less than expenses. Donations and grant funds are about \$400 a month, leaving a monthly deficit of about \$600. Dr. Welter said that OASIS could probably operate for another eight to ten months before some drastic action will have to be taken. The request for funding either through the Valley Council of the Arts or through a grandfather clause is something that is really quite necessary. The cultural district is well served by OASIS, which is becoming an important part of the community.

Discussion and comments from Council Members included that the Shenandoah Council of the Arts was still in its formative stages, the Arts Council of the Valley was awaiting its first executive director, noting that the Arts Council wants OASIS to succeed, also noting there is a grant process, and Council expects the gallery to receive its grant monies before it is insolvent.

Vice-Mayor Peterson moved that Council resolve to cancel the December 25 Council meeting. The motion to resolve was approved with a unanimous vote of Council.

City Attorney Miller presented for Council's consideration amending and re-enacting Section 14-1-69 of the Harrisonburg City Code. He explained that these are necessary to allow the Chief of Police or his designee to have the authority to revoke or suspend the public vehicle licenses. Currently the causes in the City Code include repeated and persistent violation of traffic and safety laws and ordinances and says that only the district court can revoke or suspend these licenses. However, the Police Department needs to speed up this process and be able to issue these violations. Following further discussion and comments, Council Member Fitzgerald offered a motion to adopt this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Council Member Rogers
 Mayor Frank

Absent – None

City Attorney Miller presented for Council's consideration amending and re-enacting Section 17-1-2(a) and Section 17-1-3(b) of the Harrisonburg City Code. He explained that these amendments are necessary due to the 2000 Census which showed that about twice as many people live east of Main Street as west of Main Street. The census showed that population was uneven and needs to be shifted. These amendments will allow four school board members to be elected from the east district and two school board members to be elected from the west district. The dividing line is U.S. Route 11. Following further discussion and comments, Council Member Fitzgerald offered a motion to adopt this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Council Member Rogers
 Mayor Frank

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He explained that these funds were received from state grants and will be used for fire programs and hazardous materials. Council Member Lantz offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$24,373.46 chge. to: 1000-31010 Amount from fund balance

\$23,004.13 approp. to: 1000-350532-46160 Hazardous materials

1,369.33 approp. to: 1000-320132-48203 Fire programs fund

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Fitzgerald
 Council Member Lantz
 Council Member Rogers
 Mayor Frank

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a donation from Kawneer to help purchase a new computer server for the department. Council Member Lantz offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$10,000 chge. to: 1000-31809 Donations

\$10,000 approp. to: 1000-310431-48172 Hardware

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Council Member Rogers
Mayor Frank

Absent – None

City Manager Baker presented a request to transfer funds to cover utilities for the Simms Building. He explained that when budget was prepared last year the Simms Building was not included in the budget. These funds will be used for heating, electricity, water, sewer and refuse. Council Member Lantz offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$24,836.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$15,000.00 approp. to: 1000-430221-45125 Heating – Simms Building

7,500.00 approp. to: 1000-430221-45115 Electricity – Simms Building

1,200.00 approp. to: 1000-430221-45134 Water – Simms Building

1,000.00 approp. to: 1000-430221-45135 Sewer – Simms Building

126.00 approp. to: 1000-430221-45133 Refuse – Simms Building

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Council Member Rogers
Mayor Frank

Absent – None

John Sease appeared before City Council to speak on the behalf of Gus Floros, owner of Jess' Quick Lunch. He explained that recent parking changes along Main Street and East Market Street intersection were having a negative impact on Mr. Floros's business. He said that tractor-trailer trucks had been allowed to unload in front of Jess' Quick Lunch between 8:00 a.m. and 11:00 a.m. for years. These trucks that unload 200 cases of drinks and 60 cases of hotdogs are now being forced to lock their truck while making deliveries from the East Market Street parking location. Because of the change some vendors have raised prices due to the extra delivery time required. He pointed out that while safety was cited for the change there has never been an accident in 41 years at this location. Mr. Sease said that Mr. Floros would like the parking arrangements changed back to allow deliveries to be made in front of the restaurant. He also said that the practice of allowing people to stop in front of the restaurant to help elderly passengers get into the restaurant has been stopped. Mr. Sease said that Mr. Floros would like permission from the City to erect a monument in the planter outside the Nations Bank building in honor of his wife who has recently passed away. Mr. Floros would be responsible for all the costs of erecting the fountain. City Council referred the parking changes to the Harrisonburg Parking Authority and the Harrisonburg Transportation Safety Commission. Council also directed City Manager Baker to work with Mr. Floros regarding the memorial fountain and present the information at a later meeting.

Bucky Berry suggested that a Citizen Advisory Disaster Committee be formed to develop a plan to notify everyone in the City concerning an emergency. City Manager Baker reviewed the City's emergency operation plan which is being implemented.

✓ Vice-Mayor Peterson offered a motion that the Council resolve that Robert J. Sullivan, Jr., 65 Paul Street, be appointed to the Board of Viewers. The motion to resolve was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that the Council resolve that Rebecca Lynn Lough, 79 East Weaver Avenue, be appointed to a second term on the Harrisonburg Parking Authority to expire on November 28, 2006. The motion to resolve was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that the Council resolve that George Homan, 1241 Alpine Drive, be appointed to a term on the Blue Ridge Disability Services Board to expire on February 1, 2002. The motion to resolve was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that the Council resolve that Maria Rublee, 1251 Smithland Road, be appointed to a term on the Community Policy and Management Team. The motion to resolve was approved with a unanimous vote of Council.

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

Yvonne Ryan Omlimmer
CITY CLERK

Carolyn W. Frank
MAYOR

SPECIAL MEETING

REGULAR MEETING

NOVEMBER 13, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Vice-Mayor Peterson offered a motion that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the Police Department, Fire Department and the Hardesty Higgins House. The motion also included approving the second reading amending and re-enacting Section 17-1-(a), Section 17-1-3(b) and Section 14-1-69 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request by Wendell L. Maust, to close a 7,099 square feet supplemental street right-of-way that runs north along Wyndham Woods Circle from the corner of Circle Drive. She reviewed the surrounding uses in the area. The applicant has requested that the supplemental right-of-way known as tax map parcel 22-A-21 be closed and the applicant be able to purchase the property. Mr. and Mrs. Maust would like to acquire this 7,099 square feet of supplemental right-of-way to facilitate the development of a single-family home on the adjacent lot. Before the City

SPECIAL MEETING

transfers ownership, deeds of easement would be required for the area designating on the plat drainage easements and locating and identifying any other public water or sewer lines that exist on the property. The establishment of this easements public would facilitate the future maintenance of the storm drainage system. In addition to the easement, the applicant must submit a public improvement bond for the storm drainage system installation or install the system before the transfer of ownership from the City is completed. The topography for this neighborhood slopes down to this property and much of the water run-off in the neighborhood forms up on this parcel. Currently, an outflow pipe drains down from the northern section of Wyndham Woods Circle to just about the northern property line and the two pipes that cross under Circle Drive all drain into this parcel. In addition, a berm running north from the northern boundary of the property uphill toward Wyndham Drive supplies run-off to this location. The results from this run-off have created a detention area on this parcel which then feeds off to two pipes that cross under Wyndham Woods Circle and directs the water out of the neighborhood. Mrs. Turner said that an adjacent property owner Mrs. Gehring did express some concerns at Planning Commission's public hearing. However, since that meeting the Gehrings have met with the City Engineer to discuss the existing drainage problems. She said that the development of this property should not make the drainage situation worst than currently exists in the Gehring back yard. She said that Planning Commission voted 5-1 in favor of closing this right-of-way.

At 7:39 p.m., Mayor Frank 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 29, and Monday, November 5, 2001.

NOTICE OF INTENTION TO CLOSE

A STREET RIGHT OF WAY

LOCATED AT TAX MAP PARCEL 22-A-21

City Council Chamber, Municipal Building

Tuesday, November 13, 2001

The Harrisonburg City Council will hold a public hearing on Tuesday, November 13, 2001, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Wendell L. Maust and Lois E. Maust to close a street right of way located at tax map parcel 22-A-21.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the street right of way to be vacated is available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

SPECIAL MEETING

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

Welby Showalter, an attorney representing the applicant, said that Mr. Maust would like to build a single family home on the lot, get it back on the tax roles and increase the City's tax base.

James McHone said that he was selling the lot to Mr. Maust with the hopes he would build a nice house on the lot.

Lorraine Gehring, a resident living at 927 Circle Drive, said that she and her husband own the adjacent lot. She presented pictures showing times when their lot has been flooded from heavy rains. She said that she was not against developing this lot; however, she wanted assurance that something would be done about the water problem. Also, she said her concern was not how much water was coming down Circle Drive, but the water coming behind the property. She insisted that the problem has existed since the construction of the middle school. She said that she did not want the elevation of the Maust's lot above her lot. She requested that the City address the problem of the water because it is at the back of the lots.

Victor Sokolyuk, a resident living at 750 Wyndham Woods Circle, said that the water problem has existed for many years. He said that when more houses were built on Wyndham Woods Circle more water flowed into his yard. He said that one side of his driveway was starting to shift lower because of the water. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened.

Some discussion by Council Members relative to the request by Mr. Maust included the water problems of the Gehrings, water flow caused by construction of the middle school, engineer's report addressing drainage issues, natural drainage conditions, topography of the land, stipulation that the elevations of the Maust's lot cannot be elevated about the Gehring's lot, bond posted by the Maust's, existing berm, and whether developing this lot will create any more hardships on the properties above this lot. Vice-Mayor Peterson offered a motion that the Council resolve to approve this request as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

SPECIAL MEETING

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Mayor Frank introduced a resolution authorizing the issuance, sale and award of \$1,600,000 General Obligation Public Safety Bonds. Chris Brown, attorney with the law firm of Wharton, Aldhizer & Weaver, explained that the proposed resolution authorizes the sale of bonds and also authorizes the execution of the bonds. These bonds will allow the Harrisonburg Rescue Squad to build and equip a new facility. He requested that the resolution be approved.

At 8:02 p.m., Mayor Frank 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 29, and Monday, November 5, 2001.

NOTICE OF PUBLIC HEARING WITH RESPECT TO THE PROPOSED ISSUANCE OF \$1,600,000 GENERAL OBLIGATION BONDS BY THE CITY OF HARRISONBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE, CONSTRUCT, AND EQUIP NEW PUBLIC SAFETY FACILITIES.

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the Council), will hold a public hearing to receive public comment and to consider the adoption of a proposed Resolution (the Authorizing Resolution) authorizing the issuance by the City of Harrisonburg, Virginia (the City), of \$1,600,000 General Obligation Public Safety Facilities Bonds, Series 2001 (Harrisonburg Rescue Squad, Inc. Project) (the Bonds) to provide funds to acquire, construct, and equip a new public safety facility for use by the Harrisonburg Rescue Squad, Inc. (the Project). The Virginia Resources Authority (VRA) has advised that the City is eligible to participate in an exempt Pooled Loan Bond Program offered by the VRA for financing this Project.

The Bonds will be a general obligation of the City, secured by its full faith and credit pledge. The public hearing, which may be continued or adjourned, will be held before the City Council at 7:30 p.m. on Tuesday, November 13, 2001, at the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia. Any person interested in the issuance of the Bonds or the purpose for which they are being issued may appear at the hearing and present his or her views. The Council may set time limits on

SPECIAL MEETING

speakers and other rules and procedures for the conduct of this public hearing.

A copy of the proposed Authorizing Resolution is on file and available for public review in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, during regular business hours.

Written comments regarding the proposed Authorizing Resolution may be forwarded either to the City Council prior to the public hearing in care of the City Manager, at the above location or by mail at 345 South Main Street, Harrisonburg, Virginia, or to the Council during said hearing.

Request for audio or visual assistance for those persons requiring such assistance during the hearing must be submitted in writing to the City Manager at the address given above no later than 12:00 noon, Friday, November 9, 2001. Such requests must specify the type of assistance or aid required.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone present desiring to speak for or against this bond resolution. There being no one desiring to be heard, the public hearing was closed at 8:03 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion to adopt the resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

SPECIAL MEETING

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF
\$1,600,000 GENERAL OBLIGATION PUBLIC SAFETY BONDS OF
THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2001
(HARRISONBURG RESCUE SQUAD, INC. PROJECT), AND
PROVIDING FOR THE FORM AND DETAILS THEREOF**

WHEREAS, pursuant to the City Charter (the Charter) and the Public Finance Act, Chapter 26, Title 15.2 of the Code of Virginia, 1950, as amended (the Act), the City of Harrisonburg, Virginia, (the City) is duly incorporated and empowered to finance the acquisition, construction, and equipping of new public safety facilities, and to issue its general obligation bonds to pay all or any part of the cost of said facilities; and

WHEREAS, pursuant to the Act, the City is empowered to pledge for the payment of principal and interest on its general obligation bonds its full faith and credit, payable from ad valorem taxes, to the extent other monies are not lawfully available and appropriated therefor; and

WHEREAS, the City Council (the Council) of the City desires to provide funds to acquire, construct, and equip a new public safety facility in the City for use by the Harrisonburg Rescue Squad, Inc. (the Project); and

WHEREAS, the City has applied to Virginia Resources Authority (the VRA) for the purchase of the City's general obligation bonds in an amount not to exceed \$1,600,000, and VRA has indicated its willingness to purchase such bonds from the proceeds of its Infrastructure Revenue Bonds (Pooled Loan Bond Program), Series 2001D (the VRA Bonds), in accordance with the terms of a Financing Agreement between VRA and the City to be dated as of December 1, 2001 (the Financing Agreement), a Local Bond Sale Agreement between VRA and the City to be dated the date of sale of the VRA Bonds (the Local Bond Sale Agreement), and a Nonarbitrage Certificate and Tax Compliance Agreement between VRA and the City (the Tax Compliance Agreement), the forms of which have been presented to this meeting; and

WHEREAS, the Council held a public hearing, duly noticed, on November 13, 2001, on the issuance and sale by the City of up to \$1,600,000 General Obligation Public Safety Bonds of the City of Harrisonburg, Virginia, Series 2001, (Harrisonburg Rescue Squad, Inc. Project) (the Bonds) in accordance with the requirements of Section 15.2-2606 of the Code of Virginia, 1950, as amended (the Code); and

SPECIAL MEETING

WHEREAS, the Council has determined that it is necessary and appropriate to proceed to issue its bonds pursuant to the authority set forth in the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia 1950, as amended (the "Public Finance Act"), including but not limited to Section 15.2-2601 thereof, and for the Council, as the governing body of the City, to elect to issue bonds under such provisions of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in the Charter of the City.

WHEREAS, the Council, now desires to authorize the issuance, sale and award of the Bond for the purpose of financing the Project.

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

1. Authorization of Bonds and Use of Proceeds. The Council hereby determines that it is advisable to contract a debt and issue and sell to the VRA its up to \$1,600,000 General Obligation Public Safety Bonds, Series 2001 (Harrisonburg Rescue Squad, Inc. Project), for the purpose of financing the Project as described herein. The Council hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution (the Authorizing Resolution). The sale of the Bonds to the VRA is hereby authorized and shall be delivered to or upon the order of VRA upon payment of the purchase price thereof, pursuant to the terms and conditions set forth in the Local Bond Sale Agreement and the Financing Agreement. The proceeds from the issuance and sale of the Bonds shall be used, along with other lawfully available funds of the City to the extent appropriated therefor, to provide funds to pay the costs of the Project, all as described in the Financing Agreement. Upon mature consideration, the Council has determined that it is necessary and appropriate to proceed to issue its bonds pursuant to the authority set forth in the Public Finance Act, as set forth above, and, accordingly, hereby elects to issue the Bonds under such provisions of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in the Charter of the City.

2. Sale of the Bonds. It is determined to be in the best interest of the City to accept the offer of the VRA to purchase, and the City to sell to the VRA, the Bonds at a price, determined by the VRA to be fair and accepted by the Mayor, Vice-Mayor, City Manager or City Treasurer of the City, any one or more of whom may act, upon the terms established pursuant to this Authorizing Resolution, the Financing Agreement, and the Local Bond Sale Agreement.

3. Authorization of Documentation in Connection with the Bonds. The substantially final form of the Financing Agreement is attached hereto as Exhibit A, and is hereby approved. The substantially final form of the Local Bond Sale Agreement is attached hereto as Exhibit B, and is hereby approved. The Mayor, Vice-Mayor, the City Manager, or the City Treasurer, any one or more

SPECIAL MEETING

of whom may act, and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute and deliver the Financing Agreement and the Local Bond Sale Agreement on behalf of the City in substantially the forms attached hereto, with such changes as the Mayor, Vice-Mayor, City Manager, or City Treasurer, any one or more of whom may act, shall approve, as may be advised by legal counsel.

4. **Details of the Bonds.** The Bonds shall be issued in fully registered form; shall be dated the date of issuance and delivery of the Bonds; and, shall be designated "General Obligation Public Safety Bonds of the City of Harrisonburg, Virginia, Series 2001 (Harrisonburg Rescue Squad, Inc. Project)." The Mayor, the Vice-Mayor, the City Manager, or the City Treasurer of the City, any one or more of whom may act, are authorized and directed to determine and approve all of the final details of the Bonds, including without limitation, the maximum principal amount authorized to be advanced thereunder, the stated interest rates therein, the maturity or payment dates and amounts and the final maturity date; provided however, (i) the maximum principal amount of the Bonds shall not exceed \$1,600,000; (ii) the true interest cost of the Bonds shall not exceed six percent (6.0%) per annum (exclusive of Supplemental Interest as defined in the Financing Agreement); (iii) the Bonds shall be sold to VRA at a price not less than 93% of the aggregate principal amount of the Bonds; and (iv) the final maturity date of the Bonds shall be not later than December 31, 2022. Such purchase price, interest rates and maturity schedule shall be established pursuant to the Local Bond Sale Agreement. The approval of the Mayor, Vice-Mayor, City Manager, or City Treasurer, any one or more of whom may act, of such details shall be evidenced conclusively by the due execution and delivery of the Bonds on the City's behalf to or at the direction of the VRA.

Following the pricing of the corresponding VRA Bonds, the Mayor or Vice-Mayor shall evidence his approval of the final terms and purchase price of the Bonds by executing and delivering to VRA the Local Bond Sale Agreement, which shall be in substantially the form presented to this meeting, with such completions, omissions, insertions and changes not inconsistent with this Authorizing Resolution as may be approved by the officer executing the Local Bond Sale Agreement. The actions of the Mayor or Vice-Mayor in determining the final terms and the purchase price of the Bonds shall be conclusive, and no further action shall be necessary on the part of the City.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit C. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

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

SPECIAL MEETING

7. **Authorization as to Additional Documentation in Connection with Bonds.** The Mayor, Vice-Mayor, the City Manager, the City Treasurer, and such other officers, employees and agents of the City as may be requested are hereby authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their respective terms, and as may be advised by Bond Counsel to the City, and to deliver the Bonds upon payment therefor, and to execute and deliver (or cause the delivery of) such additional instruments, notices, agreements, documents and certificates, including but not limited to the Tax Compliance Agreement of the City regarding federal tax compliance requirements for the proceeds of the Bonds, all as may be requested by Bond Counsel to the City or the City Attorney, or as otherwise required by the VRA, in furtherance of the purposes as set forth herein. All such further actions consistent within the terms and provisions of this Authorizing Resolution shall be conclusively deemed as having been accepted and approved as authorized by this Authorizing Resolution without any further acts or approvals.

8. **Redemption or Prepayment.** The City may defease, redeem, prepay or refund the Bonds only in accordance with the Financing Agreement or other requirements of the VRA.

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

10. **Capital Reserve Fund.** The City agrees to pay all amounts required by Section 6.1 of the Financing Agreement, including the supplemental interest and late charges, as provided in such Section, all as required by the VRA.

11. **Registration, Transfer and Exchange.** The Council appoints the City Clerk as its registrar and transfer agent to keep books for the registration and transfer of the Bonds and to make such registrations and transfers on such books under such reasonable regulations as the City may prescribe.

Upon surrender for transfer or exchange of the Bonds at the office of the City Clerk, the City shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, of new Bonds for a principal amount equal to the Bonds surrendered and of the same date and tenor as the Bonds surrendered, subject in each case to such reasonable regulations as the City may prescribe. If surrendered for transfer, exchange, redemption or payment, the Bonds shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance

SPECIAL MEETING

reasonably satisfactory to the City Clerk, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative.

The new Bonds delivered upon any transfer or exchange shall be valid general obligations of the City, evidencing the same debt as the Bonds surrendered and shall be entitled to all of the security and benefits of this Authorizing Resolution to the same extent as the Bonds surrendered.

12. **Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of the Bonds, but the City Clerk may require payment by the holder of the Bonds of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

13. **Disclosure Documents.** The City authorizes and consents to the inclusion of information with respect to the City to be contained in the VRA's Preliminary Official Statement and the VRA's Official Statement in final form, both prepared in connection with the sale of the bonds to be issued by the VRA, a portion of the proceeds of which will be used to purchase the Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as any of them shall determine. The City authorizes and consents to the inclusion of information with respect to the City to be contained in any of the VRA's public disclosure documentation, as may be advisable or required. The City Manager is authorized and directed to take whatever actions are necessary and/or appropriate to ensure compliance by the VRA and the City, if any, with Securities and Exchange Commission Rule 15c2-12, all as may be required by the VRA in connection with the issuance of the Bonds and any continuing disclosure requirements thereafter, all as set forth in the Financing Agreement.

14. **Tax Compliance Agreement.** The Mayor or Vice-Mayor of the Council, the City Manager, and the City Treasurer, any one or more of whom may act, and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute the Tax Compliance Agreement, in substantially the form presented to this meeting, setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), including the provisions of Section 148 of the code and applicable regulations relating to arbitrage bonds. The Council covenants on behalf of the City that (i) the proceeds from the issuance and sale of the Bonds will be expended and invested as set forth in the Tax Compliance Agreement and that the City shall comply with the covenants and representations contained therein, and (ii) the City shall comply with the provisions of the Code so that interest on the Bonds and on the VRA Bonds will remain excludible from gross income for Federal income tax purposes.

15. **State Non-Arbitrage Program.** The Council hereby determines that it is in the best interest of the City to authorize and direct the City Treasurer to participate in the State Non-Arbitrage Program (Virginia SNAP) in connection with the Bonds, as set forth in the Financing Agreement and as may be required by the VRA.

SPECIAL MEETING

16. **Filing of Resolution.** The appropriate officers or agents of the City are each hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of Rockingham County, Virginia.

17. **Further Actions; Authorized Representatives.** The Mayor, Vice-Mayor, the City Manager, the City Clerk, the City Treasurer, the members of the Council, and all officers, employees and agents of the City as may be designated are hereby authorized and directed to take such further action as they or any one of them may consider necessary or desirable in connection with the issuance of the Bonds and the execution, delivery and performance of the Financing Agreement, including, without limitation, the execution and delivery of closing documents and certificates, all as may be required by the VRA. All such actions previously taken are hereby ratified and confirmed. The Mayor or Vice-Mayor and the City Manager are designated the City's Authorized Representatives for purposes of the Financing Agreement.

18. **Consent for Multiple Representation.** At the request of the Harrisonburg Rescue Squad, Inc. (the **Rescue Squad**) the Council hereby approves Wharton, Aldhizer & Weaver, P.L.C., as Bond Counsel in connection with the issuance of the Bonds. The Council acknowledges that the law firm of Wharton, Aldhizer & Weaver, P.L.C. represents the Rescue Squad as its General Counsel, and, further, represents Nathan B. Miller and Laura K. Miller, in their own rights and as Personal Representatives of the Estate of Jeanette Lynn Miller, with respect to a personal injury claim and a wrongful death claim against the City of Harrisonburg and its employee. The Council hereby consents to such multiple representations in connection with this public safety bond financing for the benefit of the Rescue Squad and the transactions contemplated thereby.

19. **Effective Date.** This Resolution shall take effect immediately upon its introduction and adoption on November 13, 2001, after the holding of a public hearing thereon.

Date: November 13, 2001

Mayor, City Council, City of Harrisonburg,

CERTIFICATE OF VOTES

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Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, taken after lawful notice therefor at the regular meeting of the City Council held on November 13, 2001, at which meeting the City Council, among other things, elected to comply with the authority provided under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia 1950, as amended, including

SPECIAL MEETING

but not limited to Section 15.2-2601 thereof, for the issuance of bonds under the provisions thereof without regard to the requirements, restrictions or other provisions contained in the Charter of the City, the undersigned hereby certifies the voting of the City Council on the foregoing "RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF \$1,600,000 GENERAL OBLIGATION PUBLIC SAFETY BONDS, SERIES 2001 (HARRISONBURG RESCUE SQUAD, INC. PROJECT), AND PROVIDING FOR THE FORM AND DETAILS THEREOF", as follows:

	AYE	NAY	ABSTAIN	ABSENT
Carolyn W. Frank, Mayor	X			
Dorn W. Peterson, Vice Mayor	X			
Hugh J. Lantz	X			
Larry M. Rogers	X			
Joseph Gus Fitzgerald	X			

Date: November 13, 2001

[SEAL]

ATTEST: _____

Clerk, City Council of

City of Harrisonburg, Virginia

Planning and Community Development Director Turner introduced a request by Nelson Swartz to rezone 38.726 acres from R-2 Residential District and B-2 General Business District to R-3 Conditional Multiple Dwelling Residential District. She explained that the property is located at 2951 South Main Street and the Land Use Guide shows the property as a combination of Medium Density Residential and Commercial District. The residential designation is for areas near major thoroughfares or commercial areas. The site is undeveloped except for one large home, barn and other related outbuildings. It is zoned R-2, Residential District and B-2, General Business District. She reviewed the surrounding zoning classifications which include Mosby Heights, some undeveloped land, a parcel with a single family home, and Meadow Pointe Subdivision. The developer intends to developed a planned community which would feature a variety of residential homes options as well as a commercial center that would serve the community with different

SPECIAL MEETING

small-scale retail operations. Currently, the majority of the property is zoned R-2, Residential District. The tract of land containing the existing farmhouse and barn is zoned R-2 and B-2. This area is proposed to be rezoned almost entirely to B-2 General Business with conditions. She also explained that some of the property is already zoned commercial which is not requested to be rezoned. She said that 5.17 acres would be rezoned to a conditional B-2, 5.3 acres would remain in its current B-2 state and a small section would be rezoned to R-3 Conditional Residential. It is also the intent of the developer to develop a small commercial area which would be adjacent to the existing commercial area fronting on South Main Street and connecting the Meadow Pointe Subdivision. This new zoning classification would allow for the creation of 58 townhouse, 30 patio homes and 12 single-family structures. The City's Comprehensive Plan does recommend this area for a Medium Density Residential area as well as for commercial use. The proposed housing variety fulfills the Medium Density Residential land use recommendation of providing single-family, duplex and apartments with a density of 1 to 15 units per acre. The proposed B-2 C area surrounding the old home and barn would follow the uses outlined in the Commercial designation of the Comprehensive Plan. This development would also follow the outlined policies of the Comprehensive Plan by creating a commercial area that encourages a central shopping area of diverse, but compatible uses as well as protecting and preserving historic structures on the property. The developer offered to proffer landscaping buffers in the areas between Meadow Pointe and the new development, boundaries between the commercial area and the townhouse, and boundaries between the commercial area on South Main Street and the townhouse. City Staff has had several meetings with representatives of Triad Engineering to discuss concerns about the subdivision layout and the proposed project. Since the time of submittal, staff has been interested in the concepts Triad presented, as they appear to meet the above referenced goals contained in the Comprehensive Plan as well as incorporating new and innovative design elements that work to protect the historical and environmental integrity of the property. She also said that in this proposed proffered plan of development, the developers have not yet asked for a subdivision of this property to facilitate this development. When this is done the developers are planning to ask for a variance to the maximum length and number of lots on a cul-de-sac. This would be required during the preliminary plat stage. Staff also had another concern for the flow of traffic flow onto South Main Street exiting Pointe Drive from the proposed business and townhome development. The combination of these uses, and the Meadow Pointe development would contribute substantial vehicular traffic to this intersection. During staff's initial discussion this increased vehicular use warranted a recommendation that a traffic signal be placed at the Pointe Drive/South Main Street intersection to allow for the safe entry of development traffic onto Main Street. She also said that the Superintendent of City Schools projected that a change from the R-2 district to the R-3 district could place an additional 35-39 elementary aged children into the Keister Elementary School. These calculations are based on standard density increases between the residential zoning classifications and do not take into account varying housing types. If the density was added all at once it would place a stress on the school systems; however, if the density is added over a longer period of time the school system could absorb the increase in students. She said that staff recommended approval of the rezoning as submitted and the Planning Commission recommended approval of the request with a vote of 6-0 with Dr. Peterson being absent.

At 8:15 p.m., Mayor Frank 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, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning- Nelson Swartz Property

Public hearing to consider a request by Nelson Swartz, with representative Triad Engineering, Inc., to rezone 38.726 acres, tax map parcels 1-D-2 & 7-A-3 from R-2, Residential District and B-2, General Business District to R-3C, Multiple Dwelling Residential District (conditional) and B-2C, General Business District (conditional). The lot is located at 2951 South Main Street.

The Comprehensive Plan designates this area as Commercial and Medium-Density Residential. The Commercial designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City. The Medium-Density Residential designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft./unit. The B-2, General Business District is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

Furthermore, the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

SPECIAL MEETING

Matthew Roberston introduced himself as a certified landscape architect with TRIAD Engineering and the project manager for this development. He said that Mr. Swartz has paid for half of the installation cost of Pointe Drive and all the utilities along the road. The Meadow Ponte project has been well received in the community. Even with this success he still feels the project can be made better. He wants to add additional housing types to the community such as townhouses, patio homes, and single-family unit. He mentioned that Meadow Ponte was designed for specific ages with one section being for newly retired couples and another section for young professionals. Mr. Roberston said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 8:47 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request to add articles to the Zoning Ordinance, Article Z. UR, Urban Residential District and Article AA. R-P, Residential-Professional Overlay District. She explained that last year in December City Council held a public hearing to consider a comprehensive rezoning of the Old Town area from R-2, Residential District to R-1, Single-Family Residential. Following the contested rezoning proposal, City Council tabled the request and referred the items back to the Planning Commission for further study and to form a committee to look at creating a new zoning classification for the Old Town area. The Planning Commission formed the Old Town committee. The committee consisted of Margaret Haynes, Robert Sullivan, Les Bolt, Glenn Loucks, Barry Kelley, Shelley Baker and was chaired by Robert Steere a member of the Planning Commission. This committee has met numerous times since the first of the year and conducted a public input meeting to discuss the new classification. It is important to note that the committee achieved consensus on all issues. The committee has recommended in addition to adopting some special zoning for the old town area that a nuisance ordinance should be looked at. City Council, with the help of the Police Department, the Commonwealth Attorney, and the City Attorney should review and improve the nuisance ordinances in the City to provide strong, enforceable ordinances that control noise, appearance, and property maintenance issues. In addition, the Council should explore financial and other incentives to promote conversions from rental property to single-family use. The Planning Commission should review the procedures for variances, rezoning, and special use permits in order to provide increased notice to all members of the community. In particular, yard signs should be required and letters of notification should go to more than just adjoining property owners when things are requested for different land use applications. The committee also recommended that in an effort to promote neighborhood harmony all property owners should be included in neighborhood meetings. This could foster a forum in which concerns and disputes between different types of property owners and

SPECIAL MEETING

different types of residents could be resolved. The committee worked hard to come together to develop a plan to stabilize the Old Town area while protecting individual property rights. The committee looked at what type of zoning could be applied to the Old Town area to resolve some of the density concerns. In looking at it they always had to keep in mind that any use that was legally occurring in the area had to be allowed to continue provided that it was not discontinued for a period of 24 or more consecutive months or it was not destroyed by more than 50 percent. These are nonconforming uses and no matter what the zoning would be changed to these would be allowed to continue as long as they are currently legal nonconforming uses. The main idea that was developed was the UR, Urban Residential District. The purpose of this district is that is intended for medium-density and single-family development that is of an historic nature, located near the center of the City, together with certain governmental, educational, religious, recreational and utility subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. Uses permitted by right are the same ones that are currently found in R-2, and uses permitted in R-1 two family dwelling with the area limitation, accessory buildings and public uses as the City currently allows. Uses permitted by special use permit are same ones that are in the current R-2 zoning classification except a home for the aged in which three (3) persons not of the immediate family are provided with food, shelter, and care for compensation. Section 10-3-81 has been revised over the current R-2 to include area and dimensional regulations. The front yard requirement for a single-family homes has been decreased from 30 feet to 25 feet recognizes that most of these houses set closer to the front yard lot line than the current R-2 regulations address. The side yards have also been decreased from the required ten feet to five feet as well as the same for the two family dwellings. However, the number of square feet per unit has changed in the two family dwelling unit. Currently, the City requires 5,500 square feet per unit in the R-2 which is what the Old Town area is zoned. The UR proposes that it be required to have 7,000 square feet of lot area per dwelling unit to convert over to duplex use. New occupancy regulations currently under the neighborhood zoning classification R-2 permits no more than two people other than a family to occupy a dwelling unit. This was changed in 1998 as a result of some density concerns expressed. Prior to 1998 four people other than a family could occupy a dwelling unit. The proposal in the new Urban Residential District is that if you have a lot of 10,500 square feet or greater then occupancy could be, other than permitted by right, not more than three (3) persons (except such occupancy may be superseded by building regulations), provided one off-street parking space per tenant is provided on site. If you have less than 10,500 square feet, the occupancy, other than permitted by right, could not be more than two (2) persons (except such occupancy may be superseded by building regulations), provided one off-street parking space per tenant is provided on site. The regulations in Section 10-3-183 are the same as the City currently has in R-2 district. Mrs. Turner said that she would review and explain the regulations set forth in Article AA. R-P Residential-Professional Overlay District even though it was another public hearing because there was also the concept of applying an overlay zoning classification to a portion of the neighborhood. The committee recognized that the conditions in that area were different for the properties that were on the east side of Mason Street than they were on the west side of Mason street. It was felt that a lot of the properties on the east side of Mason Street were occupied by families and the west side were heavy populated by student rentals. Since these two things were so different there wasn't a way to combine it into one classification. The concept was developed to apply an overlay to the area on the west side of Mason Street between Mason Street and Federal Streets. An overlay district is something that is superimposed over the given zoning classification and is intended to provide additional flexibility to the properties within the area. Uses permitted by this overlay district are in addition to any use permitted by right in the underlying zoning classification. Dimensional and density regulations provided herein are intended to supplement those permitted in the underlying zoning classification, not to be more restrictive than those of the underlying zoning classification. When requirements of the underlying zoning classification and the overlay appear to be in conflict, the least restrictive shall apply. The proposed uses by right in Section 10-3-187 are new because the City does not have an overlay district. The proposed uses include professional offices, mixed use of a single dwelling unit and permitted non-residential with lot area of 14,000 square feet or more, provided one off-street parking space per tenant and parking requirements as established in Article G. Off Street Parking are provided on site. The proposed uses also include dwelling units which may be occupied by a family, or not more than three (3) persons, except that such occupancy may be further restricted by building regulations.

SPECIAL MEETING

The proposed uses in Section 10-3-188 include uses permitted only by special use permit. These uses include museums, galleries and art studios, which may include instructional rooms and incidental sales where permitted, mixed use of a single dwelling unit and non-residential with lot area of 13,999 square feet or less, provided one off-street parking space per tenant and parking requirements as established in Article G. (Off Street Parking) is provided on site. Occupancy, other than permitted by right, of not more than four (4) persons (except such occupancy may be superseded by building regulations) is allowed provided one off-street parking space per tenant is provided on site. At the Planning Commission public hearing several property owners spoke in opposition to these requirements. The property owners had concerns with the number of people who would be allowed to reside in the UR District other than family members. Planning Commission voted 5-1, to recommend adopting these zoning classifications. Planning Commissioner Alexander expressing expressed concerns about the density allowances in the neighborhood.

At 8:35 p.m., Mayor Frank closed the regular session temporarily and called the evening s fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Zoning Ordinance Amendment

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Public Hearing to consider adding the following Articles to the Zoning Ordinance, Article Z, UR, Urban Residential District and Article AA, R-P, Residential-Professional Overlay District.

The UR District is primarily intended for medium-density and single-family development that is of an historic nature, located near the center of the City. The district permits by right single-family and two-family dwellings on lots of 7,000 sq. ft. and 7,000 sq. ft. per unit respectively.

The R-P district is intended to provide flexibility in the use of buildings located at the outer limits of traditional residential areas. Professional offices and other uses that respect both the residential nature and esthetic character of the adjacent neighborhood are permitted. Under this district, uses permitted by right include professional offices and single and residential and non-residential, on lots of 14,000 sq. ft. or greater. Special uses permitted include museums, galleries, and art studios and mixed use of single unit residential and non-residential with 13,999 sq. ft. or less.

For complete text on these Zoning Ordinance amendments, please contact the Community Development Department, Planner at 432-7700.

Sign Ordinance Amendment

Public hearing to consider adding Section 11-5-10 to the Sign Ordinance. The amendment applies to the UR, Urban Residential District and the R-P, Residential-Professional Overlay District. For complete text on this Sign Ordinance amendment, please contact the Community Development Department, Planner at 432-7700.

REZONING OLD TOWN

Rezoning Old

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Public hearing to consider a comprehensive rezoning of a portion of the Old Town area (tax map parcels: 16-D-1 to 17, 16-D-22 to 29; 25-M-9 to 28A; 25-N-10 to 21; 26-E-8 to 13; 26-F-8 to 13; 26-I-0 to 14; 26-K-10 to 13 & 16 to 19; 26-L-1 to 13; 26-N-1 to 12; 26-O-5 to 18; 26-P-8 to 16 & 18 to 39 & 41 to 54; 26-R-1 to 11 & 18 to 25; 26-T-1 to 14 & 20 to 27) from R-2, Residential District to UR, Urban Residential District. This area is located generally east to west between Ott Street and Federal Street and north to south between Water Street and Cantrell Avenue.

The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and

SPECIAL MEETING

densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The Professional areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit. The UR, Urban Residential District's purpose and permitted uses are described above.

Rezoning Overlay Portion of Old Town

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Public hearing to consider a comprehensive rezoning to apply an overlay zoning classification to a portion of the Old Town area (tax map parcels: 16-D-1 to 4, 16-D-22 to 29; 25-M-9 to 28A; 25-N-10 to 21; 26-K-10 to 13 & 16 to 19; 26-O-5 to 12 & 14 to 18). This area is proposed to be rezoned to the UR, Urban Residential District in the public hearing cited above, and further to be overlaid by the R-P, Residential-Professional Overlay District. This area is located generally east to west between Mason Street and Federal Street and north to south between Franklin Street and Cantrell Avenue. The R-P, Residential-Professional Overlay District's purpose and permitted uses are described above.

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against adding these Articles to the Zoning Ordinance.

Les Bolt, a resident living at 255 Campbell Street, said he was a member of the committee that drafted the Old Town recommendations. He said that he has lived in the neighborhood since the early 1982 and the basic issue most people were concerned about was the density issue. Many units in the Old Town area that have four persons living in them, because they existed before the new two per unit ordinance took place. Under the current regulations, the unit must remain occupied by four persons or it would revert to the newer zoning requirements limiting each unit to only two occupants. The hope with allowing three individuals per unit was that landlords would see the new regulation as a small incentive to reduce their occupancy. Many times if a landlord is able to get enough money from three individuals instead of four they would choose the three,

SPECIAL MEETING

because the fewer people to deal with, the fewer problems arise. He discussed the issues surrounding single-family and rental property issues in the Old Town area. He noted that density was lowered in 1998 from four to two and he said there have been virtually no conversions since 1998. There is a current glut of student housing on Port Republic Road, which has led to a decrease in demand for rental properties.

Barry Kelly, a resident living at 272 Franklin Street, said he was a member of the committee that drafted the Old Town recommendations. He commented that with students there is a high turnover cost. There is an economic incentive to rent to families and professionals because there is less damage to the property. Currently, the market is strong for these non-student types. Conversion of property to duplexes will encourage family occupancy rather than student occupancy. The committee spent many long hours and months discussing the issue from both sides.

Glenn Loucks said that he is a property owner in the Old Town area. He said the committee heard from many people that they do not want any more conversions from single-family to duplex. He said that was the main reason the committee changed the occupancy from two to three and changing the lot size from 5,500 to 7,000 per unit. The number of units that would be possible for changing has dropped dramatically to less than ten. A number of those units are land locked. He said that unless there was a major economic change in Old Town, he did not think that student rentals would be on the increase. He asked Council to look at the entire compromise.

Shelley Baker, a resident living at 281 Paul Street, read the following statement: I have information that I have gathered before since the last Planning Commission meeting. It is information that unfortunately wasn't gathered the end of the Old Town committee meetings. Our Old Town's committee goal was very simple, we wanted to reduce density. Based on all the information we had, I feel that we did make the best possible recommendation for the new zoning, but I am not in agreement with our committee's entire proposal. New information has come to light and I feel that it is very important to share it with you tonight. Many Old Town residents as you will hear tonight are very concerned with the change from the current two tenants allowed per unit to the proposed three for lot sizes greater than 10,500 square feet. I supported our committee on this because I believed it could encourage landlords that are currently renting to four or more which is considered non-conforming at this point to maybe drop one if we allowed them to conform with three and it would reduce density overall. But, what we never tried to figure out was how many properties would this actually affect. We know on the west side of Mason Street it probably would affect many because there are a lot of rentals over there. But, on the east side of Mason Street which is mostly single-family and we joked about it and called it the grown up side of Mason we never really knew how many rentals were there. After the Planning Commission meeting last month and Mr. Peterson asked this very important question, I decided to research it. There are 48 lots with greater than 10,500 square feet and of this 48 lots, 11 are in excess of 14,000 square feet. The correct number is 37 lots that are now 10,500 square feet that could be considered duplexes. In an ideal world it would be great to say that the occupancy must stay at two, but there are compelling arguments as to why three individuals should be allowed. She said that she was torn, because she has friends on both sides of the issue. She said, I do not feel that allowing eight rental units to reduce to three or maybe six tenants if it is a duplex is worth the gamble of allowing 30 single-family homes to be eligible for rental to three or maybe six people up from the two to four currently allowed and if I had this information six months ago, I never would have supported this part of the plan. She encouraged Council to adopt the UR zoning, but keep the number of two per unit where it is now.

Kevin Rhodes, a resident living at 286 Campbell Street, said some of the information received by the residents did not clearly explain the occupancy issue and that it would go up, but rather it focused on if you had a duplex it was going from 5,500 square feet to 7,000 square feet. He said why wouldn't the residents support that issue if you supporting R-1. He said that he assumed the committee was looking out for the residents and didn't realize until late in the day and thought they are trying to slip something in on us. They didn't explain they wanted to increase occupancy. He said going from two to three would not decrease density. The

SPECIAL MEETING

proposal is fine as it was stated except the occupancy should be maintained at two and not go up to three. Most landlords will put as many kids as they think they get in the dwelling. Don't believe the story that it will remain at two going to three because it will be three going to four. It will mean more cars and noise. He said, "We don't need more students in Old Town, we need to keep it at two per unit."

John King, a resident living at 280 Campbell Street, said that the intent was to go to R-1. We have gotten away from that and a lot of people have gone to a lot of work trying to come up with a compromise in a situation that doesn't call for a compromise. We are trying to go to R-1 and that is where we need to go. The people that have rental property can keep the rental property and when it changes to single-family go back to single-family. I don't believe that the current rules are being enforced. The intent was to make this a better residential area and if this is passed as it is being proposed now, it won't be a better residential area.

Stephanie Byrd, a resident living at 238 Campbell Street, said that when she bought her home, it was a duplex. Over the past 13 years, her family has spent considerable time and financial resources converting it back into a single family residence. Many of our neighbors have done the same thing. She said, "I support many aspects of Article Z and Article AA and believe that the features in these articles will have a positive effect on properties in the neighborhood; however, I have serious concern pertaining to increasing the density from two to three unrelated people as it would be applied in our neighborhood."

Susan Frangos, said that she was new to the area and could see the town losing a portion of its charm with most of the quadrants around the center of Old Town really degrading. This section of Old Town is all that's left that has the potential like so many other towns with historical interest.

Marshall Ross, a resident living at 267 Franklin Street, said that he was opposed in the move from two to three in the density. Lower density is the goal. The issue is character of the neighborhood. What will happen to the character? The argument that a landlord will reduce the numbers does not make sense. He said, "I have never run into a landlord that says economically it makes sense for me not to make as much money as I can on a piece of property. Let's assume that everybody is coming with the best of intention both from the committee and in this room. The reason we can't adopt the two-to-three is because it is too risky. It's too risky because number one once it's done then you have the grandfather problem. Once it's passed and the numbers change, you can't undo it. It's too risky because we are not dealing with absolute numbers here. People will move to the county."

Beverly McGowan, a resident living at 281 Campbell Street, said that she appreciated the work of the committee and all the time and commitment they put into the study. Their conclusion has awakened my passion for the preservation and protection of our Old Town neighborhood. At a time when there is renewed interest in the revitalization of downtown, why would you want increased occupancy and perhaps decrease setback requirements. For me personally, I live in a house that does not have a driveway or a garage. I have to compete for a parking space in front of my own home. With the proposed changes, renters will add more trash and will also add to the cost of the City collection program.

Kathy Whitten, a resident living at 560 Mason Street, said that, "We talk about property values not lending themselves to conversions, I would echo Mrs. McGowan comments about the home at 511 South Main Street. She said that none of us would have believed that house would have become a student rental. It is now a very big expense to the City because we have had lawsuits related to this house because it became a fraternity house. You can't say it won't happen because it will happen. As four to three, three to two, two to three, it sounds like a fuzzy math to me or yet a Yankee season. But, it is fuzzy math. It is fuzzy logic, it doesn't make sense. I don't remember conversions of properties ever being a driving factor in the concern that was begun in Old Town as many as fifteen years ago when I moved into my home. I don't think that conversions are a driving force now, I think that we are concerned about the character and maintaining a single-family mature neighborhood. Numbers shouldn't be considered when making a decision, you should

SPECIAL MEETING

do your job because it is in the best interest of this City. That is what I am asking you to do. She said, I believe if you treat the west side of Mason differently than you treat the east side you are doing a disservice to both sides of the street. The neighborhood should be treated as an entire neighborhood. Professional offices are very appropriate, but the density issue is a whole neighborhood concern.

Cathy Slusher, a resident living at 520 South Mason Street, said that she appreciated the committee and their work. She said that she does support the UR and the residential overlay. She said if you think that going from two to three is going to reduce density it is a huge joke. When you rent by the head going from two to three is more desirable than going from four to three. She said, The house next to mine is qualified to have eight people or four plus four we squeak in nine and lets not forget the three real serious boyfriends that practically live there. This is a great plan, but in both instances the two to three should be struck because it is a bad joke on all of us.

Chad Layman, a resident living at 260 Franklin Street, said that he recently moved to the grown up side of the street. He said that his family has invested money in his home by building a fence and painting because of the way the neighborhood is now.

Jim McKee, a resident living at 270 Campbell Street, said that he has lived on Campbell Street for 15 years. He said that he has spent money on his house and was very concerned about the density. He said he would be happy if Council would vote for R-1 tonight.

Barkley Rosser, a resident of 236 Franklin Street, said that he teaches at James Madison University. He said, I was a candidate for the Planning Commission last year and if Council had selected me, we might not have all these people here this evening. He said he was very open to the UR district, but he said he opposed the change from two to three for the density. He said he has students living behind him who do nothing but party all week. We don't need anymore of this.

Will Frangos, a resident living at 631 Ott Street, that he was new to the area and was very impressed with the hard work of the committee. He said that he conducted some research in math and discovered that three is actually more than two. It wasn't a surprise, but it does seem a little inconsistent with the declared purpose of the resolution to decrease density in Old Town.

Jim Barnes, a resident living at 261 West View Street, said he and his wife selected Old Town because it was identical to the neighborhood they lived at in Michigan in a home we built in a very similar neighborhood. They are doing the same thing with their home on West View Street. They have seen communities in Michigan and Texas that when opportunity was given to increase numbers in any shape, form or size or given opportunity to increase rental neighborhoods went down. People moved out and the tax base was lost because of the increased number of students. Towns that are interested in revitalizing their downtown area look for area like Old Town as a base in support for that opportunity.

George Heishman, a resident living at 567 South Mason Street, said that there were three people who stood up tonight who are in favor of this proposal who are owners of multi-unit dwellings in the area. Other than that, everybody in this room is very much in favor of where they live in and the character of Old Town, a great section of this City. Everyone wants to contribute to the City. He said, I don't understand what the problem is and it should be an easy decision for the Council.

Tom Author, a resident living at 298 Campbell Street, said that he has lived in his house for 26 years. He said, I love Old Town and I want to stay there for the rest of my life. He said my wife made me come tonight to say that two is smaller than three. It can't be that simple, but it is that simple. He asked Council to honor the beautiful area he has lived in for a long time.

SPECIAL MEETING

Michael Boland, a resident living at 231 West View Street, said that it was brought to his attention that the proposal for R-1 is still on the table so if this is a tough decision to make, bypass and go right to R-1 and we will support that too.

There being no others desiring to be heard, the public hearing was declared closed at 9:45 p.m., and the regular session reconvened.

Council Member Fitzgerald commented that if a change was made it could add 164 more people to the area. He also said if no conversions have been made since 1998 and if the density would go from two to three what would be in it for the single-family residents of Old Town?

Barry Kelley answered Mr. Fitzgerald that as a landlord and a member of the Old Town Committee he was already starting to allow only three people to live in his property because hopefully they would take better care of the property. He said he was trying to avoid constant turnover in tenants every year.

Vice-Mayor Peterson said that he wanted to divide the request into two problems. He said that the overlay zoning classification public hearing would have a vote on density in it. There would be a vote of allowing three people occupancy per unit with no area limitation. If we were to leave the density of three in the overlay district, but reduce the density to two in the underlying district (Urban Residential District) basically what we would be doing is saying no you can't go to three people unit east of Mason Street. There are eight rental properties east of Mason Street and one of the arguments for going to three people per unit is that it gives the landlords a route to rent for a few years to a single family and then when they want to come back and rent to unrelated people at least they can go back up to three. But, that is only for eight properties on lots bigger than 10,500 square feet, however, in exchange for that possibility of decreasing the density on eight properties we are running a risk of increasing density in lots of units east of Mason Street. We have to balance risk and gains and I don't see that is a balance at all. I think we are much better off just saying no in the underlying we want to leave it at two people per unit. It isn't penalizing the rental owners.

Vice-Mayor Peterson offered a motion that the Council resolve to adopt Article Z. UR, Urban Residential District of the Zoning Ordinance for a first reading with the language being modified in Section 10-3-182 before the second reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

SPECIAL MEETING

Council Member Lantz offered a motion that Council resolve to modify Article AA. R-P, Residential-Professional Overlay District of the Zoning Ordinance for a first reading with the language being modified in Section 10-3-187 before the second reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

No - Council Member Fitzgerald

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request to add Section 11-5-10 to the Sign Ordinance. She explained that this ordinance will take care of issues related to signage in the newly created Urban Residential District and Residential-Professional Overlay districts. It states that signs will be limited to nonresidential uses, including bed and breakfast facilities and residential identification signs and on-premises advertising. Permanent ground signs shall be set back at minimum three feet from the property line. Illumination of signs shall be in keeping with the intent and purpose of residential district. Temporary nonilluminated signs, and temporary nonilluminated signs are also limited. She said that Planning Commission recommended approval of the request.

At 10:35 p.m., Mayor Frank closed the regular session temporarily and called the evening s fifth hearing to order. The following notice appeared in the Daily News-Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Sign Ordinance Amendment

Public hearing to consider adding Section 11-5-10 to the Sign Ordinance. The amendment applies to the UR, Urban Residential District and the R-P, Residential-Professional Overlay District. For complete text on this Sign Ordinance amendment, please contact the Community Development Department, Planner at 432-7700.

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for against amending Section 11-5-10 of the Sign Ordinance. There being no one desiring to be heard, the public hearing was closed at 10:36 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that Council resolve to adopt this sign ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

SPECIAL MEETING

Planning and Community Development Director Turner introduced a request to consider a comprehensive rezoning of a portion of the Old Town area from R-2, Residential District to UR, Urban Residential District. She explained that this rezoning to go from R-2 to UR includes approximately 47 acres. There are about 225 parcels and this area is recommended for the neighborhood residential land use category by the comprehensive plan. She reviewed the surrounding uses in the area. She said it is an older neighborhood characterized by large housing on small lots. The neighborhood residential designation matches up well with the planned UR urban Residential District. She said that Planning Commission recommended approval of the rezoning.

At 10:40 p.m., Mayor Frank closed the regular session temporarily and called the evening's sixth public hearing to order. The following notice appeared in the Daily-News Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Zoning Ordinance Amendment

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Public hearing to consider adding the following Articles to the Zoning Ordinance, Article Z. UR, Urban Residential District and Article AA. R-P, Residential-Professional Overlay District.

The UR district is primarily intended for medium-density and single-family development that is of an historic nature, located near the center of the City. The district permits by right single-family and two-family dwellings on lots of 7,000 sq. ft and 7,000 sq. ft per unit respectively.

The R-P district is intended to provide flexibility in the use of buildings located at the outer limits of traditional residential areas. Professional offices and other uses that respect both the residential nature and aesthetic character of the adjacent neighborhood are permitted. Under this district, uses permitted by right include professional offices and single unit residential and non-residential, on lots of 14,000 sq. ft. or greater. Special uses permitted include museums, galleries, and art studios and mixed use of single unit residential and non-residential with 13,999 sq. ft. or less.

For complete text on these Zoning Ordinance amendments, please contact the Community Development Department, Planner at 432-7700.

Rezoning Old

Public hearing to consider a comprehensive rezoning of a portion of the Old Town area (tax map parcels: 16-D-1 to 17, 16-D-22 to 29; 25-M-9 to 28A; 25-N-10 to 21; 26-E-8 to 13; 26-F-8 to 13; 26-I-0 to 14; 26-K-10 to 13 & 16 to 19; 26-L-1 to 13; 26-N-1 to 12; 26-O-5 to 18; 26-P-8 to 16 & 18 to 39 & 41 to 54; 26-R-1 to 11 & 18 to 25; 26-T-1 to 14 & 20 to 27) from R-2, Residential District to UR, Urban Residential District. This area is located generally east to west between Ott Street and Federal Street and north to south between Water Street and Cantrell Avenue.

The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The Professional areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

The R-2, Residential

Public hearing to

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

SPECIAL MEETING

Mayor Frank called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was closed at 10:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to adopt this ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request to apply an overlay zoning classification to a portion of the Old Town area. She explained that this area extends in the area east to west between Mason Street and Federal Street and north to south between Franklin Street and Cantrell Avenue. This area was just approved by City Council for the base Urban Residential District and is being proposed to overlaid with the Residential Professional Overlay District classification.

At 10:40 p.m., Mayor Frank closed the regular session temporarily and called the evening s seventh public hearing to order. The following notice appeared in the Daily-News Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Zoning Ordinance Amendment

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Public hearing to consider adding the following Articles to the Zoning Ordinance, Article Z. UR, Urban Residential District and Article AA. R-P, Residential-Professional Overlay District.

The UR district is primarily intended for medium-density and single-family development that is of an historic nature, located near the center of the City. The district permits by right single-family and two-family dwellings on lots of 7,000 sq. ft and 7,000 sq. ft per unit respectively.

The R-P district is intended to provide flexibility in the use of buildings located at the outer limits of traditional residential areas. Professional offices and other uses that respect both the residential nature and aesthetic character of the adjacent neighborhood are permitted. Under this district, uses permitted by right include professional offices and single unit residential and non-residential, on lots of 14,000 sq. ft. or greater. Special uses permitted include museums, galleries, and art studios and mixed use of single unit residential and non-residential with 13,999 sq. ft. or less.

For complete text on these Zoning Ordinance amendments, please contact the Community Development Department, Planner at 432-7700.

Rezoning Old

Public hearing to consider a comprehensive rezoning of a portion of the Old Town area (tax map parcels: 16-D-1 to 17, 16-D-22 to 29; 25-M-9 to 28A; 25-N-10 to 21; 26-E-8 to 13; 26-F-8 to 13; 26-I-0 to 14; 26-K-10 to 13 & 16 to 19; 26-L-1 to 13; 26-N-1 to 12; 26-O-5 to 18; 26-P-8 to 16 & 18 to 39 & 41 to 54; 26-R-1 to 11 & 18 to 25; 26-T-1 to 14 & 20 to 27) from R-2, Residential District to UR, Urban Residential District. This area is located generally east to west between Ott Street and Federal Street and north to south between Water Street and Cantrell Avenue.

The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The Professional areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

Public hearing to

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

Mayor Frank called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was closed at 10:43 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that Council resolve to adopt this ordinance. The recorded roll call vote was taken

SPECIAL MEETING

as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Planning and Community Development Director Turner introduced a request to amend the Zoning Ordinance, Article C. Administration and Enforcement, Building Permits Section 10-3-10(c). She explained that this ordinance would require a foundation survey when development is within the critical setback. The Board of Zoning Appeals had a lot of requests to receive variances on setbacks for houses that were constructed in an required setback area. The BZA had a concern that this was happening more frequently than necessary. Staff reviewed surveys from other localities and discussed it with Planning Commission. The language in a proposal would state that no work on a new building or an addition 500 square feet or greater proposed to be located within three feet of any required setback shall be approved to proceed above the foundation or slab until the building inspections office has received a survey prepared by a certified land surveyor, licensed to practice in Virginia, showing that the foundation or slab, as constructed, is located in accordance with the approved site plan and other applicable ordinances. This requirement is supplemental to, and does not negate the requirement for, submission of application for building permits prior to commencing any construction activity. She said that Planning Commission recommended approval.

At 10:45 p.m., Mayor Frank closed the regular session temporarily and called the evening's eighth public hearing to order. The following notice appeared in the Daily-News Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Zoning Ordinance Amendment

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Consider adding a provision to the Zoning Ordinance, Article C. Administration and Enforcement, Building Permits, Section 10-3-10 (c), to require a foundation survey when development is within three (3) feet of the required setback.

The text is as follows:

No work on a new building or addition 500 square feet or greater, proposed to be located within three (3) feet of any required setback shall be approved to proceed above the foundation or slab until the building inspections office has received a survey prepared by a certified land surveyor, licensed to practice in Virginia, showing that the foundation or slab, as constructed, is located in accordance with the approved site plan and other applicable ordinances. This requirement is supplemental to, and does not negate the requirement for, submission of application for building permits prior to commencing any construction activity.

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 these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

Mayor Frank called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was closed at 10:46 p.m., and the regular session reconvened. City Council decided not to take any action on this agenda item.

The presentation by Warren Dillenbeck was tabled until the next City Council meeting.

Chris Brown, Attorney with Wharton, Aldhizer & Weaver, presented a resolution for VPSA School Bonds. He explained that on September 25th the Council authorized \$41,500,000 million in school bonds to be sold by the Virginia Public School Authority. He said a supplemental and amended resolution was needed to take care of three housekeeping items. The City asked for a 25 year repayment term instead of a 20 year repayment term, the investment manger changed its name to Evergreen Investment Manager Company, and the City selected Sun Trust Bank to serve as its bond registrar and paying agent.

AMENDING AND SUPPLEMENTING RESOLUTION

SPECIAL MEETING

IN CONNECTION WITH \$41,500,000 GENERAL OBLIGATION

SCHOOL BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2001

WHEREAS, on September 25, 2001, the City Council (the "Council") of the City of Harrisonburg, Virginia (the "City"), adopted a Resolution entitled Resolution Authorizing The Issuance, Sale and Award of Not to Exceed \$41,500,000 General Obligation School Bonds of the City of Harrisonburg, Virginia, Series 2001, to be Sold to the Virginia Public School Authority, and Providing for the Form and Details Thereof, (the Authorizing Resolution) to provide funds to pay costs of the acquisition, construction, and equipping of public school facilities for the City including, but not limited to, a new High School and related facilities thereto (all capital projects for school purposes for the City being designated collectively therein as the Project); and

WHEREAS, there has been provided to the City a general form of the Proceeds Agreement required by the Virginia Public School Authority (the VPSA), which Proceeds Agreement, in accordance with the Authorizing Resolution, sets forth the terms and conditions with respect to the deposit and investment of proceeds of the \$41,500,000 General Obligation School Bonds of the City of Harrisonburg, Virginia, Series 2001 (the Bonds , such Bonds being designated as a Series 2001 C by the VPSA in order for the VPSA to accommodate special payment terms requested by the City for the Bonds); and

WHEREAS, the Proceeds Agreement shall be entered into by and among the City, the VPSA, the other participants in the sale of the VPSA Bonds for this Fall 2001 bond sale by the VPSA, the investment manager (which the VPSA has advised shall be Evergreen Investment Manager Company LLC), and the depository (Wachovia Bank, N.A.), all as required by the VPSA in connection with the sale of the Bonds by the City to the VPSA; and

WHEREAS, the Council also desires to designate a Bond Registrar and Paying Agent with respect to the payment of principal of and interest on the Bonds.

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

1. Proceeds Agreement; Investment Manager. The general form of the Proceeds Agreement that has been provided to the City (which form is similar to the form of the Proceeds Agreement that has been previously approved by the City in connection with its prior school bond sales to the VPSA from time to time), including such provisions of the Proceeds Agreement as may be necessary or convenient for the VPSA to describe particularly the Series 2001 C designation for the Bonds, is hereby approved. The correct and proper name of the investment manager is hereby

SPECIAL MEETING

amended to be Evergreen Investment Manager Company LLC (formerly Mentor Investment Advisors, L.L.C., as stated in the Authorizing Resolution).

2. **Bond Registrar And Paying Agent.** SunTrust Bank, Richmond, Virginia, is hereby designated as the Bond Registrar and Paying Agent for the Bonds.

3. **Continuing Full Force And Effect Of Authorizing Resolution, As Amended And Supplemented Herein; Effective Date Hereof.** As amended and supplemented herein, the terms and provisions of the Authorizing Resolution are in all other respects in full force and effect, and are hereby ratified, restated and confirmed. To the extent any provision of the Authorizing Resolution conflicts with any provision of this Amending and Supplementing Resolution, the terms and provisions hereof shall control. This Amending and Supplementing Resolution shall be effective immediately.

Dated: November 13, 2001

Mayor, City Council, City of Harrisonburg, Virginia

CERTIFICATE OF VOTES

The following is a record of the roll-call vote by the City Council members of the City of Harrisonburg, Virginia, regarding the foregoing AMENDING AND SUPPLEMENTING RESOLUTION IN CONNECTION WITH \$41,500,000 GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2001, at the regular meeting of the City Council of the City of Harrisonburg, Virginia, held on November 13, 2001.

	AYE	NAY	ABSTAIN	ABSENT
Carolyn W. Frank, Mayor	X			
Dorn W. Peterson, Vice Mayor	X			
Hugh J. Lantz	X			
Larry M. Rogers	X			
Joseph Gus Fitzgerald	X			

Dated: November 13, 2001

SPECIAL MEETING

[SEAL]

ATTEST:

Clerk, City Council, City of Harrisonburg, Virginia

Council Member Fitzgerald offered a motion that Council resolve to approve a resolution for VPSA School Bonds. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Council Member Fitzgerald suggested that City Council have a joint meeting with the Planning Commission to discuss the upcoming Comprehensive Plan update, various goals and mutual concerns. He suggested either the dates of November 28th or November 29th. The date of the meeting will be announced at the November 27th City Council meeting.

Vice-Mayor Peterson suggested scheduling a public hearing for the December 11th City Council meeting to study Charter Amendments. He also suggested forming a committee to study, look at, and update any changes to the Charter which could be submitted to the General Assembly as a total package.

City Manager Baker presented for Council's consideration a resolution fixing compensation for HRRSA Board Members. He explained that since the formation of the Harrisonburg-Rockingham Regional Sewer Authority in July 1970, compensation to the eight representatives appointed by the five participating

Dated: November 13, 2001

SPECIAL MEETING

localities has remained unchanged. Council Member Fitzgerald offered a motion that the Council resolve to increase the compensation to \$130.00 per month for the Chairman and Treasurer and increase to \$100.00 per month for the other six appointed representatives. The motion to resolve was approved with a unanimous vote of Council.

Police Chief Harper presented a request to change green zone to blue zone permit parking. He explained that the Police Department conducted a survey and is recommending that the current green zone not be changed to a blue zone. There is no criteria to support a change at this time.

City Manager Baker presented a certified receipt of 2001 government election results provided by the Electoral Board.

Governor

-

Mark L. Earley	3334	
Mark R. Warner	3083	
William B. Redpath		49

Lieutenant Governor

-

Jay K. Katzen	3495	Scott Homes	1
Timothy M. Kaine	2723	Jim Miller	1
Gary A. Reams	105	Morgan Ruthkowski	1
Daniel P. Hammel			1

Attorney General

Jerry W. Kilgore	4095	Dave Gray	1
A. Donald McEachin	2229	James W. Lark	1
Sylvia Clute	1	Mark Obenshain	1

SPECIAL MEETING

Susanne Ferguson

1

House of Delegates

Glenn M. Weatherholtz	4765	Carolyn Lam	1
John Adams	1	Hugh Lantz	1
John Martin Adams	1	Jenny Larson	1
Richard Baugh	1	Emmitt Lee	1
Bob Berrson	1	Allen G. Lewis	1
Rebecca Bompiani	1	Linda Locher	1
William Bottiarck	1	D.B. Logan	1
Kenton Brubaker	1	Cary Maloney	1
Henry Buhl	1	John McGehee	1
Bruce Busching	1	Masako Mirjata	1
Steffan Canter	1	Jefrey L. Morris	1
Randy C. Carr	1	Bruce Morris	1
Richard Claybrook	1	John Myers	1
William Clinton	1	John A. Paul	1
James Clough	1	Mary Perramond	1
Ann Connor	1	Dorn Peterson	1
Ronald Copeland	1	Danny Phillips	1
David Crain	1	Dan Plecker	1
Marshall Crespin	1	Bob Privott	1
Jeffrey Cretz	1	Neal Rafeel	1
Zebulon Davenport	1	Randall Reidenback	1
Larry Davis	1	Randy Richenbach	1

Dated: November 13, 2001

SPECIAL MEETING

Dale Diaz	1	Gerald Riggs	1
Branden Durflinger	1	Stephan Right	1
Jeff Duval	1	Robert N. Roberts	1
Karen Evans	1	Robert Roberts	1
Ben Fordney	1	Johnthan Schrag	1
Kari Foster	1	Gerald Shenk	1
Reginald Foucar-Szocki	1	Chris Simmons	1
Chris Fulder	1	Joel Slocum	1
Lowell Fulk	1	Isiah Carl Smith	1
John Gentile	1	John Snipes	1
Al Gore	1	Sherry Stanley	2
Peter Gozinja	1	James Lake Stockdrehe	1
Ralph Graves	1	Glenn Stoltzfus	1
Timothy Hack	1	John Talley	1
Daniel Hammel	1	Wayne Teel	1
Scott Hammond	1	Daffney Thomas	1
Paul Hansen	1	Ben Tilghman	1
Glenn Harden	1	Mark Vanderhoo	1
Glen Hastedt	1	Allen Waller	1
Dennis Herr	1	David Wiens	4
Ian Horne	1	Paul Williams	1
D.P. Hummel	1	Rick Yoder	1
Raymond Hyser	1	Mike Yoder	1
Thomas Jenkins	1	Howard Zahr	1
Nancy Jones	1		
William Knorpp	1		

Dated: November 13, 2001

SPECIAL MEETING

David Kyger

1

Commissioner of Revenue

June W. Hosaflook

4755

Treasurer

Rebecca Byrd Neal

4749

Vice-Mayor Peterson offered a motion that the Council resolve to accept the election results and that the City Clerk enter the names into the official minutes. The motion was approved with a unanimous 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 Federal 2001 Law Enforcement Block Grant. The money will be used to purchase video cameras for police vehicles and surveillance equipment. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$22,051.00 chge. to 1000-33507 Block grant 21-LBBX

\$22,051.00 approp. to: 1000-310231-48211 Machinery and equipment (new)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Dated: November 13, 2001

SPECIAL MEETING

Mayor Frank

Absent None

Bucky Berry, a resident living at 877 North Main Street, complained about the deteriorating sidewalks in front of his house. He said that he has tried to get the sidewalks repaired, but was informed that the City has a replacement schedule and the sidewalks in front of his house are not scheduled to be replaced until 2003. He also said that he intends to operate a business out of his home in the future and his insurance company has expressed concern about the deteriorated sidewalks. It could become a safety issue if someone falls as they are entering his house. City Manager Baker said that the City's sidewalks are inspected every year and a schedule has been established to replace and maintain the sidewalks as funding is available.

Council Member Fitzgerald offered a motion that the Council resolve that DiAnn P. Hand, 135 Betts Road, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2006. The motion to resolve was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that the Council resolve that Lee Foerster be appointed to the Valley Program for Aging Services Advisory Board. The motion to resolve was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that the Council resolve that Ed Steele be appointed to the Commission on Children and Youth. The motion to resolve was approved with a unanimous vote of Council.

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

CITY CLERK

MAYOR

SPECIAL MEETING

REGULAR MEETING

NOVEMBER 27, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Council Member Fitzgerald requested that Item #5d, #5e, #5f, and #5g be removed from the consent agenda.

Vice-Mayor Peterson offered a motion that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department. The motion also included a rezoning request by Nelson Swartz and a request to close a street right-of-way in the Wyndam Woods neighborhood. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Council Member Fitzgerald requested that Item #5d (adding articles Z. UR, Urban Residential District and AA, R-P, Residential-Professional Overlay District to the Zoning Ordinance), Item #5e (adding Section 11-5-10 to the Sign Ordinance), Item #5f (rezoning a portion of the Old Town area from R-2, Residential

SPECIAL MEETING

District to UR, Urban Residential District), and Item #5g (considering a comprehensive rezoning to apply an overlay zoning classification to a portion of the Old Town area) be removed from the consent agenda. He suggested that perhaps Council should reconsider the action taken on these items at the November 13th City Council meeting. He said, I think Council took action before it was necessary. He explained that last year in December, City Council held a public hearing to consider a comprehensive rezoning of the Old Town area. Following the contested rezoning proposal, City Council referred the items back to the Planning Commission for further study and to form a committee to look at creating a new zoning classification for the Old Town area. The committee met numerous times since the first of the year and achieved consensus on all issues because the homeowners in the Old Town area wanted a reversion to R-1 and the landlords didn't. A compromise between the homeowners and landlords was reached with each side making major concessions on some of the core issues. The landlords accepted larger lot sizes and the homeowners on the committee accepted a greater density. He said, I don't think that Council should have taken away what one side agreed to while letting the other side keep it. Since a conversion to a rental hasn't been made since 1998 in the area affected, I don't think there is a rush to approve this new zoning classification. Council should think about it once more before completely abandoning the compromise the two groups came up with. After a committee has put in eight months of work, I think we should bend over backward to accommodate the recommendation of the committee. It is setting a bad precedent to let a committee put in that much work and perhaps the next time Council tries to organize a committee it will be harder to accomplish. Council Member Fitzgerald offered a motion that Council resolve to table these items; however, following further discussions and comments, Council Member Fitzgerald withdrew the motion to table these items.

Vice-Mayor Peterson offered a motion that Council resolve to approve Item #5d (adding articles Z, UR, Urban Residential District and AA, R-P, Residential-Professional Overlay District to the Zoning Ordinance), Item #5e (adding Section 11-5-10 to the Sign Ordinance), Item #5f (rezoning a portion of the Old Town area from R-2, Residential District to UR, Urban Residential District), and Item #5g (considering a comprehensive rezoning to apply an overlay zoning classification to a portion of the Old Town area) on the consent agenda. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Absent - None

SPECIAL MEETING

Planning and Community Development Director Turner introduced a request to amend the Comprehensive Plan by Dunham Bush Holdings, Inc., represented by AIG Baker Real Estate, L.L.C. Mrs. Turner said that she was planning on combining both the rezoning and comprehensive plan amendment into one report because of the overlay of information; however, two separate public hearings would be held. She explained that the parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the east side of Burgess Road. The parcel is approximately 47.468 acres and the request is to amend the land use guide recommendation from General Industrial to Commercial. The General Industrial designation applies to areas intended for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. The applicant is seeking to change the designation to Commercial, which is intended for retail, wholesale, or service functions typically found along the major travel corridors and in the central business district of the City. Mrs. Turner reviewed the surrounding uses in the area. Staff recommends approval of the Comprehensive Plan amendment, which would change the property's Land Use Guide designation from General Industrial to Commercial. The best use of the property is for commercial development, due to the retail corridor expansion along East Market Street, which has become an important traffic artery. In addition, the site's frontage along the interstate enhances the property's value for retail and service establishments, which depend on a high visibility location. She said that staff and Planning Commission recommended approval of the request. Mrs. Turner also said that staff recommends approval of the request to rezone the property from M-1 General Industrial District and B-2, General Business District to B-2C, General Business District (conditional). Staff believes that the B-2 classification would be more compatible with existing commercial development in that area. The site's high-visibility location along Interstate 81, Burgess Road, Evelyn Byrd Avenue, and Reservoir Street makes the property well suited for commercial development. The applicant, in connection with the rezoning request, has stated that they intend to construct a retail center on the site. The company has submitted a list of proffers which limit the future uses on the property, provide assurance that the site will be developed in conformance with the City's Comprehensive Plan and good development practices. The applicants also proffered to address the development's traffic impact. The proffers have stated that the uses would be limited in their nature and not all B-2 uses would be permitted on the property. She reviewed many of the uses that will not be permitted. The applicants have also proffered to facilitate pedestrian traffic through the proposed shopping center with two walkways through the main parking area to connect Reservoir Street and Burgess Road's existing sidewalk areas with pedestrian access into the property. A landscape buffer of 60 evergreen trees is to be placed along the back of the proposed shopping center along the interstate. The applicant has also proffered to install traffic signals at the intersection of Reservoir Street and Evelyn Byrd Avenue, Evelyn Byrd Avenue and Burgess Road, the Burgess Road and shopping center entrance, and Reservoir Street and shopping center entrance. For informational purposes only, the Sign Ordinance allows one square foot of sign area per one lineal foot of road frontage. Staff has reviewed the traffic impact study and worked with the developer to ensure that the improvements are adequate for the type of development planned. The applicants have been working with staff to alleviate any concerns regarding the wording of proffers and phasing of improvements. Considering the property's suitability for commercial use, and the appropriateness of the submitted proffers, staff recommends approval of the conditional rezoning request. She said that Planning Commission recommended approval.

Economic Development Director Shull briefly reviewed the Master Development Agreement which is part of the agreement with AIG Baker. The Master Development Agreement was mentioned in the proffers and states that all the agreements between the City and AIG Baker would be in accordance with the contract. The City promises to repay off-site road improvement costs of up to \$1.8 million in a Master Development Agreement. The money will come from additional tax revenues generated by the center. He also requested that as part of the rezoning vote, Council authorize the City Manager to sign the agreement between AIG Baker and the City.

SPECIAL MEETING

At 7:50 p.m., Mayor Frank 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 Thursday, November 15, and Wednesday, November 21, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, November 27, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

COMPREHENSIVE PLAN AMENDMENT

-

Public hearing to consider a request to amend the Comprehensive Plan by Dunham Bush Holding, Inc. represented by AIG Baker Real Estate, L.L.C. to change the Land Use Guide classification from General Industrial to Commercial for tax map parcels 14-P-3, 79-A-0, 79-A-9, 79-F-2, and 79-F-3 (47.468 acres). The parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the East side of Burgess Road. The Comprehensive Plan states that General Industrial areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities, whereas Commercial areas include retail, wholesale, or service functions found along the major travel corridors and in the Central Business District of the City.

REZONING

Public hearing to consider a request by Dunham Bush Holdings, Inc., with representative AIG Baker Real Estate, L.L.C., to rezone tax map parcel 14-P-3, 79-A-0, 79-F-2, and 79-F-3 (46.482 acres) zoned M-1,

SPECIAL MEETING

General Industrial District and 79-A-9 (.986 acres) zoned B-2, General Business District to B-2C, General Business District (conditional). The parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the East side of Burgess Road.

The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. In addition, M-1 is used to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and office uses are limited to those which will be useful primarily to employees in the district. The B-2, General Business District is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the M-1, General Industrial District or the B-2, General Business District.

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

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

Bob Sullivan, a resident living at 65 Paul Street, said that he supported the B-2 rezoning request because the land use pattern made a lot of sense. The additional traffic lights will be part of the price we pay for more traffic and businesses. He also said, I can remember when Space Conditioning, Inc., from Los Angeles, California announced that it was building a new plant in Harrisonburg; however, at that time the plant was built in Rockingham County. But, soon after the factory was built it was annexed into the City so the City could provide water and sewer for the new factory, which generated a lot of jobs in the area. He also said he recently reviewed a photograph taken from the air which showed Dunham Bush sitting all by itself completely surrounded by farm land. He said we have come a long way in 40 years.

Milton Bubba Smith, President, AIG Baker Development, LLC, thanked the City staff for their professionalism. He also commented on the finest staff presentation he has ever seen in his 25 years of development activity. He thanked Economic Development Director Brian Shull for his professionalism and the tremendous help he has provided. Mr. Smith shared some of the history of AIG Baker because he felt it

SPECIAL MEETING

was important that the community know something about the company that would soon be spending millions in Harrisonburg. Mr. Smith said four major retailer users would be using 90,000 square feet of the shopping center. The current design of the building layouts could vary to some degree depending on the particular retailer that occupies the facility. The two entrances and the safety issues surrounding those entrances create the site plan. A landscape buffer of 60 evergreen trees is to be placed along the backs of the buildings adjacent to the interstate. AIG Baker Development will spend from \$1.8 to \$2.1 million for off-site road improvements which Mr. Shull had previously explained. It should be a win-win situation for everyone. He said AIG Baker is prepared to move forward with the project. Economic agreements have been worked out with six or seven major national retailers that are not currently located in Harrisonburg. These stores will occupy 393,000 square feet of the proposed 488,000 square feet of the shopping center. The target date for opening remains March to May of 2003. He requested that Council approve both applications.

Vice-Mayor Peterson reminded Mr. Smith that at the Planning Commission meeting, he had requested bicycle racks be included in the shopping center. He said this is a college town and it would be nice to make the shopping center bike-friendly for college students and professors.

Louis Chalmers, Vice-President of Lowe and Associates, in responding to a question from Council said the left turn lane from Burgess Road should be able to handle 10-12 cars in the lane. He said that most of the turn lanes are approximately 200 feet long. Mr. Chalmers stated he used the ITE (Institute of Transportation Engineers) Manual to generate the projected figures. He also added that the numbers calculated were for the peak driving hours of the morning and late afternoon. He also commented that the City staff would be reviewing all the plans. There being no others desiring to be heard, the public hearing was declared closed at 8:12 p.m., and the regular session reconvened.

Vice-Mayor Peterson offered a motion that Council resolve to amend the Comprehensive Plan requested by Dunham Bush as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

At 8:13 p.m., Mayor Frank 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, November 15, and Wednesday, November 21, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, November 27, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

COMPREHENSIVE PLAN AMENDMENT

-

Public hearing to consider a request to amend the Comprehensive Plan by Dunham Bush Holding, Inc. represented by AIG Baker Real Estate, L.L.C. to change the Land Use Guide classification from General Industrial to Commercial for tax map parcels 14-P-3, 79-A-0, 79-A-9, 79-F-2, and 79-F-3 (47.468 acres). The parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the East side of Burgess Road. The Comprehensive Plan states that General Industrial areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities, whereas Commercial areas include retail, wholesale, or service functions found along the major travel corridors and in the Central Business District of the City.

REZONING

Public hearing to consider a request by Dunham Bush Holdings, Inc., with representative AIG Baker Real Estate, L.L.C., to rezone tax map parcel 14-P-3, 79-A-0, 79-F-2, and 79-F-3 (46.482 acres) zoned M-1, General Industrial District and 79-A-9 (.986 acres) zoned B-2, General Business District to B-2C, General Business District (conditional). The parcels are located at 101 Burgess Road, primarily between Interstate 81, Reservoir Street, and Burgess Road, with approximately 0.5 acres on the East side of Burgess Road.

The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. In addition, M-1 is used to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and office uses are limited to those which will be useful primarily to employees in the district. The B-2, General Business District is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial,

SPECIAL MEETING

automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the M-1, General Industrial District or the B-2, General Business District.

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

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone present desiring to speak for or against this rezoning. There being no one desiring to be heard, the public hearing was closed at 8:14 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve the rezoning of the Dunham Bush property as presented and also resolve that the City Manager sign the Development Agreement with AIG Baker. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

City Attorney Miller presented and read the following resolution for Council's consideration.

SPECIAL MEETING

RESOLUTION CONCERNING

SECTION 56 COUNCIL ACTION BY

ORDINANCE OR RESOLUTION

OF THE CHARTER OF THE

CITY OF HARRISONBURG, VIRGINIA

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

WHEREAS, the Charter of the City of Harrisonburg, Virginia, in Section 56, contains language that is contrary to the common practice of many years, and

WHEREAS Section 56 as currently written creates an unnecessarily cumbersome process that serves no practical or procedural purpose, it is now

RESOLVED by the Council of the City of Harrisonburg, Virginia to ask the General Assembly representatives serving the City to carry to the General Assembly the proposal to amend Section 56 of the Charter of Harrisonburg as follows:

Sec. 56 Council action by ordinance, resolution or motion.

The Council may act either by ordinance, resolution or motion. All acts by Council prior to the effective date of this amendment are ratified and reaffirmed.

So Resolved this 27th day of November, 2001.

MAYOR

ATTESTE:

RESOLUTION CONCERNING

SPECIAL MEETING

CLERK OF THE COUNCIL

City Attorney Miller explained that currently the Charter states that, Except in dealing with parliamentary procedure, the Council shall act only by ordinance or resolution. The proposed amendment would allow Council to also act by motion. After a public hearing is held and if approved by Council it must then be forwarded to the General Assembly for its consideration.

At 8:16 a.m., Mayor Frank 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 Wednesday, November 21, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, November 27, 2001, at 7:30 p.m. in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

CITY CHARTER AMENDMENT

Public Hearing to consider revising Sec. 56 of the City Charter entitled, Council action by ordinance or resolution to read as follows:

Sec. 56. Council action by ordinance, resolution or motion.

Except in dealing with parliamentary procedure, the council shall act only by ordinance, resolution or motion.

A copy of the existing City Charter, including the existing referenced section is available for review in the City Manager's Office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

SPECIAL MEETING

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone present desiring to speak for or against this City Charter Amendment. There being no one desiring to be heard, the public hearing was closed at 8:17 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to amend Sec. 56 of the City Charter adopting the resolution read by the City Attorney. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

Warren Dillenbeck read the following statement. Sometimes during the summer of 1999, when a number of citizens were speaking in opposition to the proposed golf course, I addressed City Council. One of the points I made in opposition to the golf course was that the citizens would never know how the golf course was doing financially, because its expenses could be spread around various City departments. One or more members of City Council took offense at this suggestion, stating that City finances were meticulously kept and available to the public. Trusting completely in this assertion, I would like to ask Council to adopt the following resolution:

Since the City Golf Course is nearing completion of construction, a complete accounting of all the spending for construction of the golf course shall be made. This accounting shall include the spending on all contracts involved, the purchase of land including land for the driving range, the cost of all labor of City

SPECIAL MEETING

employees including labor borrowed from other departments, and the cost of purchased materials. This accounting shall also include the fair rental market value of equipment borrowed from other departments. Once this accounting has been completed, the City shall publish it in detail in the local newspaper.

The Golf Course Commission shall also be required to publish a financial statement of its operating results at the end of each calendar year.

While on the subject of the golf course, would City Council please ask the Golf Course Commission to advise the public on the average usage of water for the golf course and the source of this water? In light of the current drought, which has persisted for about three months, water usage is of concern.

City Manager Baker commented that the source of the water is supplied from an irrigation lake, which was constructed as part of the golf course. Backwash from the water treatment plant is used to fill the lake. He also said that the golf course is a separate enterprise fund, which is audited each year. Once the golf course is closed from a soft opening this year a report will be presented to the City Council.

Robin Sullenberger, Executive Director of the Shenandoah Valley Partnership, presented a brief report on the partnership activities. He said that Roger Baker and Brian Shull represented Harrisonburg on the board and Mr. Shull was chairman of the marketing committee, which is the most active committee. The partnership has existed for five years and tries to be very aggressive in economic development. The partnership facilitates things to enhance the local economic development activities. The group currently has a consultant firm participating in a technology incubator study and another organization conducting a private sector study, which also includes a private fund raising. Most private businesses want some help in workforce development assistance. Shenandoah Valley Partnership is actively pursuing that aspect of the day-to-day structure by working with the local universities and colleges to assist in workforce development. All of the localities in the partnership are working together to hopefully move forward and prosper in the future.

City Manager Baker presented a request for Council's consideration from Sherwin-Williams to sign a long-term lease agreement. He explained that currently Sherwin-Williams is leasing space from the City to operate its business. Mr. Baker said that he and City Attorney Miller have reviewed the lease agreement and recommended that an escalator clause be included if a long-term lease agreement is agreed upon and signed. Following further discussion and comments, Vice-Mayor Peterson offered a motion that the Council resolve to have the City Manager negotiate a three-year lease with Sherwin-Williams. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented a request from the Parks and Recreation Department, Rockingham County Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 7, 2001 at 7:00 p.m. The parade will begin at the monument at the intersection of South Main

SPECIAL MEETING

Street and Liberty Street and end at the corner of Gay Street and North Main Street at the Rockingham County Administrative Complex. Council Member Lantz offer a motion that the Council resolve to approve this request. The motion to resolve was approved with a unanimous vote of Council.

City Council agreed to schedule a public hearing to review the Capital Improvement Program (CIP) on December 11, 2001.

City Manager Baker announced that a joint work session would be held with the Planning Commission on November 28, 2001 at 7:00 p.m.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds would be used toward purchasing an upgraded records management system. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$4,775.00 chge. to: 1000-31907 Sale of Used Equipment

\$4,775.00 approp. to: 1000-310431-48172 Hardware

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Mayor Frank

Absent None

SPECIAL MEETING

Jim Werner representing the Veterans of Foreign Wars Post 632 thanked City Council for adopting a Virginia Fallen Firefighters resolution and designating October 14, 2001 as Fallen Firefighter's Day in Virginia. He also said that a memorial service will be held on Pearl Harbor Day, December 7th at 10:00 a.m. at the Rockingham County Courthouse on the east lawn. This will be the 60th anniversary of the beginning of that war. The service will also honor 139 veterans from Harrisonburg and Rockingham County. He also presented an appreciation award plaque to City Clerk Yvonne Bonnie Ryan, CMC, Harrisonburg City Clerk for meritorious and distinguished service in furthering the aims and ideals of the Veterans of Foreign Wars of the United States.

Vice-Mayor Peterson said that when the Old Town Committee made their presentation at the November 13th City Council meeting, one thing they suggested was that Council should be looking at a nuisance ordinance and possible changes to a noise ordinance and litter ordinance. He proposed that a small committee be formed to consider a nuisance ordinance and recommended several people that he thought should be on the committee. Council Member Lantz said that it was a good suggestion and recommended that Vice-Mayor Peterson should be in charge of forming the committee.

Vice-Mayor Peterson offered a motion that the Council resolve to enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: the Community Services (Chapter 10) Board, the Building Code Board of Appeals, the Parks and Recreation Commission, the Harrisonburg Electric Commission, and the Golf Course Advisory Committee. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of certain personnel matters. A closed session is permissible for this purpose also pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of the possible acquisition of real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code.

At 10:20 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I 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 matters as were identified in the motion by which the closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that the Council resolve that Paula Caldwell, 417 Paul Street, be appointed to the Golf Course Advisory Committee. The motion to resolve was 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.

SPECIAL MEETING

CITY CLERK

MAYOR

REGULAR MEETING

DECEMBER 11, 2001

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr.; Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Boy Scout Troop #72 from the Grace Covenant Church including Will Sease, Jim Stevens, Joe Barnes, Dave Stevens, and Kent Graham delivered the invocation and led everyone in the Pledge of Allegiance.

Mayor Frank introduced four new employees: Hector Roman, Christopher Whitley, Christopher Wilmore, and Mike Morin, Public Works Department.

Vice-Mayor Peterson offered a motion that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department. The motion also included a rezoning request by Dunham Bush Holding, Inc., with representative AIG Baker Real Estate, L.L.C. and a request to amend the Comprehensive Plan by Dunham Bush Holdings, Inc., represented by AIG Baker Real Estate, L.L.C. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

Absent – None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these bond proceeds and the projected interest were from the November 2001 VPSA bond issue. These funds will be used to construct the new high school. This supplemental appropriation involves principal of \$41,500,000, a premium of \$151,297.33 and a projected interest of \$1,245,000 to be earned on the Virginia SNAP (Virginia State Non-Arbitrage Program) bond funds for this new project.

Vice-Mayor Peterson questioned how much interest would the bonds be earning during the next several months. He said it was his understanding that one of the reasons for entering the fall bond sale was so the money could be used to help to pay for the interest payments because the City actually borrowed the money before it was needed. However, now I am hearing the interest that will be earned on the money is being put back into the capital projects fund rather

than being used to help pay for extra interest the City has to pay off. How much money in interest are we earning during the next four or five months on this money?

School Superintendent Ford said he didn't have a schedule of the interest that will be earned; however, he thought approximately \$20,000 per month would be earned. He also noted that any interest earned must be spent by the school division on building projects.

At 7:40 p.m., Mayor Frank 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, December 3, 2001.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, December 11, 2001 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of the public hearing will be to get citizen input concerning a proposed increase in the City's 2001-2002 School Capital Projects Fund Budget in the amount of \$42,896,297.33. These funds are the City's proceeds from the Fall VPSA bond sale and the anticipated interest that will be earned on the bond proceeds. It is proposed that these funds be used to construct a new high school.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Frank called on anyone desiring to speak for or against this supplemental appropriation. Douglass S. McDonald, a resident living at 681 North Main Street, questioned the bond rating of the City and if the City was occurring too much debt. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that Council resolve to approve the supplemental appropriation requested by the School Board for a first reading, and that:

\$42,896,297.33 chge. to: 1113-34110 Bond Proceeds – VPSA

\$42,896,297.33 approp. to: 1113-910114-48693 New High School Construction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

Absent – None

Planning and Community Development Director Turner presented the 2002-2003 through 2006-2007 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a budgetary tool that allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$25,000 or greater. She reviewed only the new projects with a priority one or two ranking in the report. The Fire Department includes a proposed new fire station at Park View, which is scheduled to be constructed on the ground previously occupied by VDOT on Chicago Avenue and Waterman Drive. There are several new projects in the Community Development Department including updating the topographic map, renovations at the Simms Building, and hiring a consultant to assist in the creation of the comprehensive plan. She said that it is unclear if the intended carpet replacement for the City Municipal Building will take place now with the potential of the City offices moving to Harrison Plaza. A new project in the Economic Development Department includes the Hardesty-Higgins House renovations. The Public Works Department includes developing a satellite site and public utilities functions at the property on Chicago Avenue and Waterman Drive. Another program in the Public Works Department is traffic calming which will involve conducting studies to plan improvements in certain residential neighborhoods which are experiencing traffic problems. A bicycle plan has existed for several years and the City is always looking at the possibility of whether new bike lanes are needed when improvements are made to an existing roadway. A traffic light has been proposed for the intersection of Liberty Street and Acorn Drive, making improvements to North Main Street, and traffic analysis equipment. There are no new priority one or two projects in the Parks and Recreation Department. The School Board has previously reviewed their Capital Improvement Program projects. There were no new projects in the Water Fund summary. The only new project in the Sewer Fund summary was radiometers, which has increased in scope and size over the past few years. There were no new projects in the Transportation Department. There were no new projects ranked priority one or two in the Sanitation Division of the Public Works Department; however, the Resource Recovery Plant rebuild is scheduled for fiscal year 2002-2003. Mrs. Turner reminded everyone that all the Department Heads were present to answer any questions regarding the Capital Improvement Program and noted that the Planning Commission recommended approval of the plan.

At 8:05 p.m., Mayor Frank closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, December 1, and Saturday, December 8, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 11, 2001, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:

The proposed Capital Improvement Program, for fiscal years 2002-2003 through 2006-2007. 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 Improvement 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 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 date of the meeting.

CITY OF HARRISONBURG
Roger D. Baker
City Manager

Mayor Frank called on anyone desiring to speak for or against approving the Capital Improvement Program. There being no one desiring to be heard the public hearing was declared closed at 8:06 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to adopt the Capital Improvement Program. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

Absent – None

Council Member Fitzgerald read the following resolution honoring the Harrisonburg High School Blue Streaks football team.

RESOLUTION

WHEREAS, The Harrisonburg High School Blue Streaks have won the 2001 Division 3 state championship in high school football; and

WHEREAS, The team has impressively exhibited the ideals of sportsmanship, team play, and athletic achievement; and

WHEREAS, Head Coach Tim Sarver has led the team with patience, perseverance, hard work and intelligence; and

WHEREAS, The team and Coach Sarver have brought positive statewide honor and pride to the City of Harrisonburg; and

WHEREAS, The championship was earned not just with athletic prowess, but with heart, mind, and grit,

NOW, THEREFORE BE IT RESOLVED, that the City of Harrisonburg expresses its pride, appreciation, gratitude and respect to the Harrisonburg High School Blue Streaks football team for the accomplishment and for the way the team earned it.

Given under our hand this eleventh day of December in the year two thousand one, A.D.

Carolyn W. Frank, Mayor

Dorn W. Peterson, Vice-Mayor

Joseph Gus Fitzgerald, Council Member

Larry M. Rogers, Council Member

Hugh J. Lantz, Council Member

Attest: Yvonne Ryan, City Clerk

Mayor Frank introduced Senior Captains Chris Eckstein, Todd Wisman and Bryan Saunders and Coach Tim Sarver. Coach Tim Sarver and the senior captains accepted the plaque from the City Council recognizing the team's achievement. Coach Sarver said, "It was a great honor and winning the 2001 Division 3 state championship was a great moment in the students lives and now is part of the school's history." He also thanked City Council for their support and the many people who stood in the rain to honor the team at a parade. Council Member Rogers said that winning the 2001 Division 3 state championship was great for the City and he suggested adding the phrase "2001 State Champions" onto the water tower, which already reads "City of Harrisonburg – Home of the Blue Streaks" and has a picture of a lighting bolt. He also suggested erecting signs on the highways coming into the entrances of the City to honor the team. Council Member Fitzgerald offered a motion that the Council resolve to adopt the resolution. The motion to adopt the resolution was approved with a unanimous vote of Council.

Ken Huffman, a representative from the firm of PBGH, presented the 2000-2001 Comprehensive Annual Financial Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Governmental Accounting Standards Board (GASB) and the Commonwealth of Virginia auditor of Public Accounts. Mr. Huffman expressed his appreciation to the City's Finance Department for all of their assistance. He said that his firm did not find any serious problems and the only minor problems have already been addressed.

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

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HARRISONBURG, VIRGINIA**

✓
WHEREAS, Dale Forest Associates Limited Partnership, a Virginia limited partnership (the "Borrower"), has requested the Harrisonburg Redevelopment and Housing Authority (the "Issuer"), to undertake the refinancing of its Multi-Family Housing Revenue Bonds. Series 1984 (Dale Forest Apartments Project), issued on December 4, 1984, in the original aggregate principal amount of \$13,000,000 (the "Prior Bonds"), through the issuance of its revenue bonds in an amount not to exceed \$13,000,000 (the "Bonds"); and

WHEREAS, the Prior Bonds were issued for the purpose of making a loan to the Owner to finance the cost of acquiring, constructing and equipping a multi-family residential rental apartment project (the "Project") located in Prince William County, Virginia, and owned and operated by the Borrower, constituting a project for residential rental property meeting the requirements of Section 142 of the Internal Revenue Code of 1986, as amended, and of the Virginia Housing Authorities Law; and

WHEREAS, certain terms of the Prior Bonds were modified on December 18, 1992, and September 1, 1993; and

WHEREAS, the Issuer has held a public hearing on the issuance of the Bonds on December 10, 2001, in accordance with Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"); and

WHEREAS, the Issuer has requested the City Council of the City of Harrisonburg, Virginia (the "City Council"), to approve the issuance of the Bonds to comply with Section 15.2-4906 of the Virginia Code and Section 147(f) of the Internal Revenue Code; and

WHEREAS, a copy of the Issuer's December 10, 2001, resolution approving the issuance of the Bonds, a fiscal impact statement and a reasonably detailed summary of the comments made at the December 10, 2001, public hearing have been presented to the City Council;

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

- 1. The City Council hereby approves the issuance of the Bonds by the Issuer for the benefit of the Borrower, to the extent required by Section 15.2-4906 of the Virginia Code and to the extent required under Section 147(f) of the Internal Revenue Code.**
- 2. Approval of the issuance of the Bonds, as required by Section 15.2-4906 of the Act and Section 147 (f) of the Code, does not constitute an endorsement of the Bonds or the creditworthiness of the Borrower. Pursuant to the Act, the Bonds shall provide that neither the City of Harrisonburg, Virginia nor the Authority shall be obligated to pay the principal and the premium, if any, of the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore, and that neither the faith**

- or credit nor the taxing power of the Commonwealth of Virginia, the City of Harrisonburg, Virginia, or the Authority shall be pledged thereto.
3. This resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the "City Council"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by the following vote of the members of the City Council present and voting at a meeting duly called and held on December 11, 2001, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

<u>MEMBER</u>	<u>VOTE</u>
Carolyn W. Frank	Aye
Dorn W. Peterson	Aye
Joseph Gus Fitzgerald	Aye
Hugh J. Lantz	Aye
Larry M. Rogers	Aye

WITNESS the following signature this 11th day of December, 2001.

Clerk, City Council of the City of Harrisonburg,
Virginia

(Seal)

Harrisonburg Redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of \$13 million in bonds for a project in Prince William County. The bonds will not be a debt or obligation of the City. Vice-Mayor Peterson offered a motion that Council resolve to approve this resolution issuing the revenue bonds for a project in Prince William County. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Council Member Lantz
Mayor Frank

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Absent – None

City Manager Baker presented a request from Our Community Place to be exempt from local taxation. He noted that Our Community Place has responded to the nine questions that the state code requires to be answered as part of consideration for receiving tax exempt status;

however, a public hearing is required before Council can take any action. Vice-Mayor Peterson offered a motion that Council resolve to schedule a public hearing for January 8, 2002. The motion to resolve was approved with a unanimous vote of Council.

Joan Strickler, Executive Director of First Night, presented a brief overview of the First Night activities. She explained that this year will be the 10th anniversary of First Night and the series of artistic performances will include local and national acts and a special peek at the Hardesty-Higgins House. She also said that Lee Bosworth will be handling the fireworks display as he has been doing this for several years. Mr. Bosworth explained that this year he would be using smaller shells to decrease the noise and help with the falling debris. Vice-Mayor Peterson offered a motion that the Council resolve to approve the fireworks display contingent upon the Fire Department approval. The motion was approved with a unanimous vote of Council.

Assistant Parks and Recreation Director David Wigginton presented an overview of the soft opening of the golf course. Mr. Wigginton reviewed a report of the golf course from the opening of September 29th until December 2nd. The golf course made \$64,968.98 in revenue during it first nine weekends. Golf Professional David Johns said there is a direct correlation with the number of rounds and the weather. The cooling and damp weather impacted the number of golfers on the greens during October and November. Play was limited to the weekends to minimize damage to the new sod. It was also noted that the driving range and pro shop will remain open throughout the winter. Season passes and golf lessons are available throughout the winter.

Golf Professional David Johns presented a brief report on the First Tee Conference, which was held in November in Florida. Mr. Johns, Council Member Rogers and David Wigginton attended the conference and had an opportunity to meet with other people throughout the United States involved in the First Tee Program. He also said that they had an opportunity to discuss, share ideas and receive information on the curriculum of the program in conjunction with other programs. The First Tee Program has provided a \$100,000 grant and 50 sets of junior golf clubs.

Economic Development Director Shull said that Congressman Bob Goodlatte's office had announced that the Shenandoah Valley Workforce Investment Board has been awarded a grant from the United States Department of Labor. This grant will provide \$2,404,732 under the H-1B Technical Skills Training program. The grant was awarded to provide high-level training to employed and unemployed workers for jobs in occupations where skill shortages exist. The goal of the training grants is to prepare Americans for these same high skill jobs, reducing the dependence on foreign labor.

At 8:40 p.m., Vice-Mayor Peterson offered a motion that the Council resolve to enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: the Community Services (Chapter 10) Board, the Building Code Board of Appeals, the Parks and Recreation Commission, and the Harrisonburg Electric Commission. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of certain personnel matters. A closed

session is permissible for this purpose also pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of the possible acquisition of real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code. IN ADDITION, the purpose of the closed session is for the discussion of probable litigation. A closed session is permissible for this purpose pursuant to Section 2.2-3711-A-7 of the Code.


At 10:35 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of the 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 matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.


Vice-Mayor Peterson offered a motion that the Council resolve that Alex Banks, 25 East Fairview Avenue, be appointed to the Parks and Recreation Commission to expire on December 31, 2005. The motion to resolve was approved with a unanimous vote of Council.

At 10:36 p.m., Vice-Mayor Peterson offered a motion that the Council resolve to enter a closed session for the purpose of discussing certain personnel matters. A closed session is permissible for this purpose also pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code).

At 11:00 p.m., the closed session ended and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I certify to the best of the 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 matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.


CITY CLERK


MAYOR