

REGULAR MEETING

JUNE 14, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member Hugh J. Lantz

Council Member Chenault gave the invocation and led everyone in the Pledge of Allegiance.

Mayor Rogers read and presented the following resolution to members of the John Byrd family.

**A RESOLUTION HONORING
JOHN H. BYRD, JR.**

WHEREAS, John H. Byrd, Jr. was actively involved in the civic affairs of the Harrisonburg community over the past four decades; and

WHEREAS, John H. Byrd, Jr. was appointed to Planning Commission in November of 1965 and elected to office of Vice-Chairman of that body in January of 1969; and

WHEREAS, John H. Byrd, Jr. was hired as Building Official of the City of Harrisonburg in 1970, later becoming the Director of Community Development; and

WHEREAS, John H. Byrd, Jr. worked for the City until his retirement in 1994; and

WHEREAS, John H. Byrd, Jr. served on Harrisonburg City Council from July 1, 1996 to June 30, 2000; and

WHEREAS, John H. Byrd, Jr., through his diligence and positive demeanor, served as a model for Planning Commissioners, City staff and Council members both past and present; and

WHEREAS, John H. Byrd, Jr. is well remembered and regarded by this City Council; and

WHEREAS, this Council wishes to honor John H. Byrd, Jr., and express its sympathies to his family;

NOW, THEREFORE, the Council of the City of Harrisonburg, having lost one of its own resolves that:

The Council expresses its sadness over his death and acknowledges his great body of work as a Commissioner, City Staff member, Council Member and Citizen and the ever civil and civic manner in which he conducted it, and expresses its deepest sympathies to his family.

Resolved this 14th day of June, 2005.

Mayor

ATTEST:

Clerk

Council Member Pace requested that, Item #5c on the consent agenda, be removed and considered as a separate item.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of an appropriation of funds for the golf course, purchase of real estate, VPSA bond interest, public safety building, Fire and Police Departments and amending Section 4-2-123 & 4-2-25 of the Harrisonburg City Code. The motion also included a rezoning request by Rockingham Fine Arts Association, Virginia Silo Company, Gary Green, Dr. Gregory Johnson, Diversified Properties, Cover Investments, Bob & Fran L.C. & JEM Transportation Terry and Dianne Fertitta, Wetsel Seed Company, and Margaret W. Sheridan. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Council Member Pace said after consulting with City Attorney Thumma he was requesting that Section 12-3-41(d) of the Harrisonburg City Code be amended to read as follows: **The applicant shall not be issued a permit if the city's investigation or the information furnished in compliance with this Article shows that the applicant ha been convicted of a sex-related crime, has been denied a permit or has had a permit revoked under any statute or ordinance similar in substance to the provisions of this Article.** The key inserted words are sex-related crime. Council Member Pace offered a motion to approve a resolution regulating Adult Businesses and enacting Article C of Chapter 3 of Title 12, enacting additional definitions to Section 10-3-24, 10-3-91(12) and 10-3-91.1. with amending Section 12-3-41(d) of the Harrisonburg City Code for a second reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault

Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from Ashby LLC (John Sease) for a special use permit to allow zero side yard setbacks at 560 & 590 Neff Avenue. This request was first brought before City Council in May 2000. The special use permit clause within the Zoning Ordinance contains a provision that if the project is not started within 12 months then the special use permit is null and void. The applicant is requesting a special use permit, which allows a reduction in the required side yard setback to zero feet along the lot line of an adjoining lot. The request would connect the current office building located at 560 Neff Avenue to a new office complex at 590 Neff Avenue. An enclosed breezeway would connect the two buildings. This property is zoned B-2 and surrounded by multi-family and commercial classifications. Planning Commission has stated a condition on their approval that the zero side yard setback be limited to the construction of a breezeway. She said that Planning Commission has recommended approval of the request.

At 7:45 p.m., Mayor Rogers 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 31, and Monday, June 6, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT – 560 NEFF AVENUE

Public hearing to consider a request from Ashby LLC, with representative John Sease for a special use permit {per Section 10-3-91(9)} to allow zero property line setbacks for buildings located at 560 and 590 Neff Avenue. These properties can be found on tax map 84-J-2 & 6.

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 Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from Dennis and Janice Fitzgerald to modify their existing special use permit to expand their bed and breakfast operation. The property is located at 491 Garbers Church Road. In November 1998 the applicants requested several ordinance amendments that would allow bed and breakfast facilities to operate in the City's residential zoning classification. In December 1998, City Council approved the request allowing seven guest rooms in the main house and one in an outbuilding. She reviewed the surrounding uses in the area. The applicants are now requesting a modification to their existing special use permit. They are proposing to construct two additional cottages for guest occupancy adjacent to the existing cottage. The property has sufficient area for additional parking. Planning Commission recommended that the new buildings be located no closer than 25 feet from any property line. She said that Planning Commission has recommended approval of the request.

At 7:50 p.m., Mayor Rogers 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 31, and Monday, June 6, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT – 491 GARBERS CHURCH ROAD

Public hearing to consider a request from Dennis and Janice Fitzgerald to modify their existing special use permit {per Section 10-3-34(7)} allowing them to expand their bed and breakfast operation. This property is located at 491 Garbers Church Road and can be found on tax map 122-B-1.

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

All persons interested will have an opportunity to express their views at 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 Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the modification and special use permit request as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from the Harrisonburg Rescue Squad for a special use permit to allow four members to live on premises at 1700 Reservoir Street. The Harrisonburg Rescue Squad property is zoned B-2, General Business District and is surrounded by B-2 classification with the exception of JMU athletic facilities, which has a M-1 zoning classification. In March, City Council granted an ordinance amendment to allow operational facilities of volunteer rescue squad to provide non-transient housing for up to four active members of the organization to reside at the facility for no more than 24 cumulative months. She said that Planning Commission has recommended approval with the following conditions: 1) Appropriate City staff shall inspect the property annually to ensure compliance with zoning and building requirements. This inspection is to take place during full occupancy. 2) At the time of inspection, a list of residents shall be supplied with a record of their time of occupancy at the facility. 3) City staff may revoke this special use permit if the inspection does not take place every 12 months. 4) City staff shall review all complaints against this property, and if warranted, bring violations to the attention of the Planning Commission for further action.

At 7:59 p.m., Mayor Rogers 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 31, and Monday, June 6, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT – 1700 RESERVOIR STREET

Public hearing to consider a request from the Harrisonburg Rescue Squad with representative Steve Higgins for a special use permit {per Section 10-3-85(6)} to allow four active members of the organization to live at the rescue squad facility. The property is located at 1700 Reservoir Street and can be found on tax map 84-A-5.

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 Rogers called on anyone desiring to speak for or against this request.

Steve Higgins, president of the Harrisonburg Rescue Squad, thanked City Council for considering the request. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this special use permit with the conditions as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from Gary L. Beatty for a special use permit to allow an educational/institutional use at 131 West Grace Street. The subject parcel, known as the Whitesel building, is a two-story brick structure. It is currently zoned M-1, General Industrial District. She reviewed the surrounding uses in the area. The applicant has purchased property to the west and plans to remove the car wash portion of the building to use the area for parking. This renovation will require 47 parking spaces. This is a very good use of an historical building in the City. She said that staff recommended approval with the following conditions: 1) The special use permit shall remain valid for only the period of time that James Madison University occupies the site. Should JMU terminate the lease, the permit shall be null and void. 2) No less than 47 parking spaces shall be provided on, and immediately adjacent to this site. 3) The property owner shall install appropriate lighting for the safety and convenience of the occupants of this facility. Site lighting must be directed down and towards the property to minimize light trespass and glare. 4) Signs shall be placed at the

entrance to all parking areas stating that the parking lots and building are located within the flood zone. She said that Planning Commission also recommended approval of the request.

At 8:01 p.m., Mayor Rogers 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 Tuesday, May 31, and Monday, June 6, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT – 131 WEST GRACE STREET

Public hearing to consider a request from Gary L. Beatty for a special use permit {per Section 10-3-97(9)} to allow an education/institutional use on property zoned M-1, General Industrial District. This property is located at 131 West Grace Street and can be found on tax map 24-S-10.

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 Rogers called on anyone desiring to speak for or against this request.

Ray Nicely, Director of Planning with Valley Engineering, said parking presented the greatest issue, but a solution has been reached by acquiring the adjacent property. There being no others desiring to be heard, the public hearing was declared closed at 8:02 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this special use permit with the conditions as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from John E. Zigler to rezone property located at 1385 Port Republic Road from R-1, Single Family Residential District to R-3C, Multiple Residential District Conditional. The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the City are planned for residential development containing a mixture of large and small-lot single-family detached dwelling and attractive green spaces. She reviewed the surrounding uses in the area. She said that the applicant has requested rezoning a large tract of land that straddles the city/county jurisdictional lines along Port Republic Road. The total acreage of the development is 41.67 acres, with 16.51 acres located in the City and 25.16 acres in Rockingham County. However, Rockingham County has tabled a similar rezoning request by the same proposed developer because of water provision concerns. The mixed-use nature of this development will incorporate professional offices along Port Republic Road. The residential portion of the development will be located directly behind the professional offices, with duplex units being immediately adjacent to the office and single-family homes to the rear. The R-3 zoning classification allows a variety of uses. The applicant has offered the following proffers: 1) The distribution and density of single family shall be approximately 20-25 lots, duplex shall be approximately 12 to 16 lots and professional office space shall be 3.5-4 acres, as shown on the Plan (subject to minor variations) . There would be no apartments or townhouses included in the plan. 2) The landowners/developer will donate a strip of real estate up to 20 feet in width parallel with and adjoining the property line of Port Republic Road within the City limits for the proposed highway improvements. 3) Appropriate landscape plantings as a buffer of approximately 15-30 feet to separate the professional office space from the residential lots will be designed and installed. The buffer shall be maintained by the owner of each professional office lot adjoining the buffer. 4) An “island” shown on the plan will be designed and installed in the entrance road near the break between the professional office space and the residential lots for the purpose of “traffic calming” and creating a visual separation between the two areas. 5) The single-family lots will be subject to a restrictive covenant that limits occupancy to not more than two unrelated individuals or families. Additionally, all single-family lots and duplex lots will be subject to a restrictive covenant that the lots be used for the residential use only. 6) The City expects to expand Port Republic Road within two to five years. Owners and developer understand that they are responsible for curb, guttering, sidewalks and deceleration lane. However, should development commerce before the City expands Port Republic Road the City may request the developer to delay installation of the required curb, guttering, sidewalks and deceleration lane until the road expansion is completed. She said that at the Planning Commission public hearing several speakers spoke in opposition to the construction of this development. However, after discussing this request Planning Commission recommended approval by a vote of six to one.

Council Member Pace said, “I attended Rockingham County Planning Commission meeting and learned there is sufficient water available to the residential area except when an emergency occurs. If an emergency occurs the Fire Department will have to tap into the water supply and water in the residential area will go into a low-pressure mode. Would this problem exist with this property?”

Mrs. Turner said the Public Utilities Department reviewed the request and did not express any concern with the development.

At 8:15 p.m., Mayor Rogers 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 Tuesday, May 31, and Monday, June 6, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING – 1385 PORT REPUBLIC ROAD

Public hearing to consider a request from John E. Zigler to rezone 16.512 acres from R-1 Residential District to R-3C, Multiple Residential District Conditional. The property is located at 1385 Port Republic Road and can be found on tax map 88-F-12.

The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single-family detached dwellings and attractive green spaces.

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-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; two-family, 4,000 sq. ft./unit; 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 Rogers called on anyone desiring to speak for or against this rezoning request. Barbara McKee, a resident of the City, said she was concerned about a domino effect. If this land is rezoned then other land along Port Republic Road Neff Avenue will probably also be rezoned. The Comprehensive Plan calls for this area to be R-1 and it should not be changed.

Burns Earle representing the applicant said that the developer has taken special care in submitting these proffers to take into consideration future development. There being no others desiring to be heard, the public hearing was declared closed at 8:17 p.m., and the regular session reconvened.

Council Member Chenault said that staff and Planning Commission have undertaken an extensive analysis of this proposal. “I appreciate the developer efforts to try to bring a development that they believe will fit in this area as best as possible. I am not willing to concede that this property is not developable as R-1 land. The entire triangle from Stone Spring Road to Neff Avenue to Port Road in the City is R-1 and A-2 in Rockingham County. I don’t see the justification for changing this particular parcel from that zoning classification. I agree that there could be somewhat of a domino affect if this proposal moves forward.” We have over 500 approved non R-1 units in the City under construction or eligible for construction.

Vice-Mayor Eagle said that he liked the plan especially having the professional offices in the front buffered by the green space and duplexes. The staff and developers have put a lot of effort into this project. It is a good workable plan.

Mayor Rogers asked Mrs. Turner how is the overall project effected since Rockingham County tabled the request? Mrs. Turner said the city/county line runs at the rear of a lot of the proposed lots. This plan does not have to be submitted in this exact way. There could be some slight adjustment to lot lines and road alignment.

Following further discussion and comments, Vice-Mayor Eagle offered a motion to approve the rezoning request. The motion was seconded by Council Member Pace. A recorded roll call vote was taken as follows:

Vote: Yes - Council Member Pace
Vice-Mayor Eagle

No - Council Member Chenault
Mayor Rogers

Absent – Council Member Lantz

The motion failed.

The next item of business was a request to issue General Obligation Bonds in the amount of \$7,250,000 for land acquisition, emergency radio communications and road construction. Ted Cole of Davenport and Company said bids were solicited for the bonds and six responses were received. He said the low bidder was Sun Trust Bank with a fixed interest rate of 3.55% for 20 years. Mr. Cole recommended that City Council move forward with the bid from Sun Trust Bank.

At 8:36 p.m., Mayor Rogers 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 Tuesday, May 31, and Monday, June 6, 2005.

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

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the "Council") will hold a public hearing on the proposed issuance by the City of Harrisonburg, Virginia (the "City"), without a referendum, of the City's general obligation bonds in a principal amount not to exceed \$7,250,000 (the "Bonds") to finance certain public capital improvement projects. The Bonds may be issued from time to time and in one or more series.

The proceeds of the Bonds will be used to finance (i) the acquisition of a parcel of land consisting of approximately 33.918 acres, known as the Clatterbuck property and the acquisition of a parcel of land consisting of approximately 16.5 acres, known as the Kaslow-Leigh property, (ii) a portion of the costs of the construction of the Stone Spring Road/Erickson Avenue Extension, (iii) the acquisition of equipment for the City's emergency 911 radio communications system and certain costs related thereto, (iv) the costs of issuing the Bonds and (v) capitalized interest on the Bonds during the period of acquiring and developing the public capital improvements projects described above and for up to one year thereafter.

The public hearing, which may be continued or adjourned, will be held at 7:30 p.m. on Tuesday, June 14, 2005, before the Council at a regularly scheduled meeting in the Council Chambers on the first floor of the Municipal Building at 345 South Main Street in Harrisonburg, Virginia 22801. Any person interested in the issuance of the Bonds and the purposes for which the Bonds are being issued may appear at the hearing and present his or her views.

**CITY OF HARRISONBURG, VIRGINIA
Roger D. Baker, City Manager**

Mayor Rogers called on anyone desiring to speak for or against issuing these bonds. There being no one desiring to be heard, the public hearing was declared closed at 8:37 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the resolution authorizing the issuance and sale of general obligation bonds as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Recused – Council Member Pace

Absent – Council Member Lantz

The next item of business was a request for exemption from local taxation for several City businesses. Commissioner of the Revenue June Hosaflook presented an overview of several 501(c)(3) organizations applying for real estate and business personal property tax exemption. The Constitution of Virginia allows for specific local tax exemption. Prior to January 1, 2003, the General Assembly passed bills exempting an organization from local taxation. City Council passed a local ordinance addressing real and personal property exemption in Section 4-2-17 of the Harrisonburg City Code. Non-profit organizations must file a tax-exempt application, which is reviewed in the Commissioner of Revenue office. After the revenue impact is determined, a public hearing is held with City Council determining whether an organization's tax-exemption is awarded or denied. Current applications include Gemeinschaft Home, HOPE Community Builders Inc., Harrisonburg Gift & Thrift Shop, Inc., Harrisonburg/Rockingham Free Clinic, and the Community Association for Rural Transportation (CART). The Gemeinschaft Home provides a substance abuse treatment program and is applying for exemption from real estate tax in the amount of \$1,523. HOPE Community Builders builds housing for low-income residents and is applying for exemption from real estate tax in the amount of \$2,582. The Harrisonburg Gift & Thrift Shop, Inc., sell new and donated goods and is applying for exemption from real estate tax in the amount of \$4,486. The Harrisonburg/Rockingham Free Clinic provides free health care to low income and uninsured residents of Harrisonburg and Rockingham County and is applying for real estate tax exemption in the amount of \$1,575. Community Association for Rural Transportation (CART) providing public and specialized transportation is applying for personal property tax exemption in the amount of \$996.

Council Member Pace questioned whether prior to changing the state law did any or all of these organizations apply for relief through the state?

June Hosaflook said none of these organizations have applied to the state prior to changing the law.

City Attorney Thumma clarified that in the past before the state law was changed these organizations had to appear before City Council requesting the change. After Council had made a determination a resolution was enacted requesting that the General Assembly enact legislation to exempt the organizations.

Council Member Pace said, "It makes sense to me to offer tax relief to those organizations that are meeting social needs in the community as opposed to those organizations that are a special cause."

Mrs. Hosaflook recommended approving local taxation exemption for the Harrisonburg/Rockingham Free Clinic, Geimeinshaft Home, CART (for vehicles) and HOPE Community Builders. She did not recommend approving Harrisonburg Gift & Thrift Shop for local taxation exemption. The total tax dollars is approximately \$10,000.

At 8:50 p.m., Mayor Rogers 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 Wednesday, June 8, 2005.

**CITY OF HARRISONBURG
NOTICE OF PUBLIC HEARING**

Please take notice that on June 14, 2005 at 7:30 P.M. in the City Council Chamber, 345 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 4-2-17 of the Harrisonburg City Code, as amended, concerning a request by the following non-profit corporations, for exemption from local taxation.

REAL ESTATE TAX -

**Gemeinschaft Home, a Virginia corporation - Two Parcels of Real Estate
Tax Map ID No. - 48-A-12, Assessed value - \$128,300.00 and Taxes paid
for Tax Year 2004-2005 - \$795.46.**

**Tax Map ID No.-48-D-19A, Assessed value - \$117,400.00 and Taxes
paid for Tax Year 2004-2005 - \$727.88.**

**Harrisonburg Gift & Thrift Shop, Inc., a Virginia corporation - Three
Parcels of Real Estate Tax Map ID No. - 47-M-2, Assessed value - \$155,700.00 and
Taxes paid for Tax Year 2004-2005 - \$965.34.**

**Tax Map ID No. - 47-M-3, Assessed value - \$755,600.00 and Taxes paid for
Tax Year 2004-2005 - \$4,684.72.**

**Tax Map ID No. - 47-M-4, Assessed value - \$107,600.00 and Taxes paid for
Tax Year 2004-2005 - \$667.12.**

**Hope Community Builders, Inc., a Virginia corporation - Four Parcels of Real
Estate**

**Tax Map ID No. - 32-Q-1, Assessed value - \$33,400.00 and Taxes paid for
Tax Year 2004-2005 - \$207.08.**

**Tax Map ID No. - 32-Q-2, Assessed value - \$55,900.00 and Taxes paid for
Tax Year 2004-2005 - \$346.58.**

**Tax Map ID No. - 32-Q-11, Assessed value - \$102,300.00 and Taxes paid for
Tax Year 2004-2005 - \$634.26.**

**Tax Map ID No. - 32-Q-7, Assessed value - \$81,500.00 and Taxes paid for
Tax Year 2004-2005 - \$505.30.**

**Harrisonburg\Rockingham Free Clinic, Inc., a Virginia corporation - One Parcel of
Real Estate**

**Tax Map ID No. - 26-B-10, Assessed value - \$237,900.00 and Taxes paid for
Tax Year 2004-2005 - \$1,474.98.**

PERSONAL PROPERTY TAX -

**CART, a Virginia corporation - Personal property consisting of vehicles
Assessed value - \$49,800.00 and Taxes paid for Tax Year 2004 - \$996.00.**

**The Community Foundation of Harrisonburg and Rockingham County, a Virginia
corporation - Personal property
Assessed value - \$2,800.00 and Taxes paid for Tax Year 2004- \$56.00.**

Public comments on the proposed exemptions are invited and all citizens shall have an opportunity to be heard. Further information is available from the City Manager's Office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:30 A.M. to 5:00 P.M., Monday through Friday.

**Roger D. Baker,
City Manager**

Mayor Rogers called on anyone desiring to speak for or against these tax exemptions. Wallace Hatcher, said that Gift & Thrift Shop has both retail and warehouse space. Remodeling a former tire factory was a major safety improvement for the area. The thrift part of the business receives donated items and resells the items at very reasonable prices. It provides a shopping place for persons who can't or choose not to pay market prices for their merchandise. Our profits are forwarded to Mennonite Central Committee, a non-profit worldwide relief agency. Another benefit is reducing the volume of materials taken to the landfill. Book Savers receives and processes magazines, which benefits the community by allowing children and adults to purchase good reading material at reasonable prices. The gift part of the business purchases craft items from under privileged countries, which are sold at the gift store. The sales generate sales tax revenue for the City. There being no others desiring to be heard, the public hearing was declared closed at 8:55 p.m.

Following further discussion and comments, Vice-Mayor Eagle offered a motion to approve these businesses for exemption from local taxation. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

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

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HARRISONBURG, VIRGINIA APPROVING THE ISSUANCE
OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE
TWIN HICKORY APARTMENTS PROJECT**

WHEREAS, pursuant to the Virginia Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended, (the “Act”) the Harrisonburg Redevelopment and Housing Authority (the “Authority”) has approved the issuance of its Multifamily Housing Revenue Bonds (Twin Hickory Apartments Project) Series 2005C (the “Bonds”), the proceeds of which are to be used to make a loan to Twin Hickory Senior Associates, LP, a Virginia limited partnership (the “Borrower”), to finance the acquisition, construction and equipping of a 110-unit apartment development (the “Project”) to be located on an approximately six-acre parcel of land on Hickory Park Drive approximately 0.3 miles south of the intersection of Nuckols Road and Twin Hickory Road in Henrico County, Virginia (the “County”) and to be occupied in part (at least 40%) by persons of low or moderate income in order for the Project to qualify as a “qualified residential rental project” within the meaning of Section 142(d) of the Code (hereinafter defined); and

WHEREAS, the Borrower has requested that the Authority issue its bonds in an amount not to exceed \$8,500,000 and make a loan of the proceeds thereof to the Borrower for the purpose of financing the Project; and

WHEREAS, with respect to such proposed plan of financing, the Authority has caused a notice of public hearing to be published in a newspaper of general circulation in the City of Harrisonburg, Virginia (the “City”) and has, on May 25, 2005 held a public hearing, all in accordance with the provisions of §147(f)(2) of the Internal Revenue Code of 1986, as amended, and the regulations, rulings and proclamations promulgated or proposed thereunder (collectively, the “Code”) and other applicable laws of the Commonwealth of Virginia (the “Commonwealth”); and

WHEREAS, the Authority has recommended that the City Council of the City (the “City Council”) approve the issuance of the Bonds to comply with Section 147(f)(2) of the Code and Section 36-19.2 of the Act; and

WHEREAS, copies of the Authority’s May 25, 2005 Resolutions recommending such approval by the City Council and approving the issuance of the Bonds, subject to terms agreed upon, a record of the public hearing and a “fiscal impact statement” with respect to the Project have been filed with the City Council; and

WHEREAS, the Bonds shall not constitute a debt or a pledge of the faith and credit of the Commonwealth, or any political subdivision thereof, including but not limited to, the City, the Authority or the County, but shall be paid solely from the revenues of the Project.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA: 1.The City Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower to the extent required by Section 147(f)(2) of

the Code and Section 36-19.2 of the Act to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as required by Section 147(f)(2) of the Code and Section 36-19.2 of the Act does not constitute an endorsement of the Bonds or the creditworthiness of the Borrower, but, as required by Section 36-29 of the Act, the Bonds (and such Bonds shall so state on their face) shall not be debt of the City, the County, the Commonwealth or any political subdivision thereof (other than the Authority) and neither the City, the County nor the Commonwealth or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

3. The City Manager, the Mayor and the Vice-Mayor are each authorized to take such other actions and to execute such documents as are necessary to achieve the purposes set forth in this Resolution.

4. This Resolution shall take effect immediately upon its adoption

READ AND ADOPTED: June 14, 2005

CERTIFICATE

A record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon the reading of a resolution titled “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE TWIN HICKORY APARTMENTS PROJECT” taken at a regular meeting of the City Council held on June 14, 2005:

	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney L. Eagle, Vice Mayor	X			
Charles R. Chenault	X			
Hugh J. Lantz				X
George W. Pace	X			

Dated: June 14, 2005

**By: _____
Mayor or Vice Mayor,
City of Harrisonburg, Virginia**

**(SEAL)
ATTEST: _____**

Clerk, City Council of the City of
Harrisonburg, Virginia

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 City Council at its meeting duly called and held on June 14, 2005, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this 14 day of June, 2005.

Clerk, City Council of the City of Harrisonburg, Virginia

Harrisonburg Redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of revenue bonds for a project in Henrico County. The bonds will not be a debt or obligation of the City. Council Member Chenault offered a motion to approve this resolution. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

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

**RESOLUTION OF THE CITY COUNCIL OF CITY OF HARRISONBURG,
VIRGINIA APPROVING THE ISSUANCE OF A REVENUE BOND TO BE ISSUED BY
THE
INDUSTRIAL DEVELOPMENT AUTHORITY OF TOWN OF BROADWAY,
VIRGINIA, FOR THE BENEFIT OF PLEASANT VIEW, INC.**

WHEREAS, the Industrial Development Authority of Town of Broadway, Virginia (the “Authority”) has considered the financing request of Pleasant View, Inc. (the “Corporation”) for the issuance of the Authority’s revenue bond in the aggregate principal amount of \$250,000 (the “Bond”) to assist the Corporation in financing the remaining portion of the total costs to: (i) acquire, construct and equip an approximately 16,000 square foot new facility to be located at 151 Commerce Drive, City of Harrisonburg, Virginia 22802, to assist the Corporation to carry out its charitable mission in the

community more effectively and efficiently for the provision of programs at such facility for persons who have disabilities, including the Harrisonburg Adult Developmental Day Program, the Community Connections Program, and the Supported Employment Program, and, further, for the provision of new administrative offices for the Corporation in connection with its general operations, and (ii) pay issuance costs associated with such financing (collectively, the “Project”);

WHEREAS the Authority issues its bonds on behalf of the Town of Broadway, Virginia (the “Town”);

WHEREAS the City Council of the City of Harrisonburg, Virginia (the “City Council”) constitutes the highest elected governmental unit of the City;

WHEREAS the Authority duly held a public hearing on July 6, 2004, on the issuance of up to \$1,750,000 revenue bonds by the Authority, upon due notice of publication therefore, and, further, provided to the City Council copies of the Fiscal Impact Statement, the Certificate of Publication of Public Notice, and a Summary of Statements in connection therewith;

WHEREAS, previously, the Authority issued its \$1,500,000 Industrial Development Authority of Town of Broadway, Virginia Revenue Bond (Pleasant View, Inc.), Series 2004 (“Bank-Qualified”);

WHEREAS, a copy of the authorizing resolution duly adopted by the Authority on June 7, 2005, in connection with the issuance of the \$250,000 Industrial Development Authority of Town of Broadway, Virginia Revenue Bond (Pleasant View, Inc.), Series 2005 (“Bank-Qualified) to be issued by the Authority for the benefit of the Corporation in June, 2005, to complete the Project has now been filed with the City Council, all as required by law (the “Authority Resolution”); and

WHEREAS, the Authority has recommended to the City Council in its Authority Resolution to approve the Project and the Bond, as required by Section 15.2-4905 of the Code of Virginia, 1950, as amended.

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

1. The City Council concurs with the Authority Resolution and approves the Project and the issuance of the Bond by the Authority for the benefit of the Corporation to complete the Project, all as more particularly described in the Authority Resolution.

2. The approval of the issuance of the Bond does not constitute an endorsement to prospective purchasers of the Bond or the creditworthiness of the Project or the Corporation.

3. The Bond shall provide that it shall not be deemed to constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth of Virginia, or any

political subdivision thereof, including the Authority, the Town, and the City, and neither the Authority nor any other political subdivision shall be obligated to pay the principal of, premium, if any, or interest on the Bond or other costs incident thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the Town and the City, shall be pledged for the payment of principal or premium, if any, or interest on the Bond or other costs incident thereto.

This Resolution will take effect immediately upon its adoption.

Adopted: June 14, 2005

Mayor, 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 duly adopted by the City Council at its regular meeting duly held and called on June 14, 2005. A record of the roll-call vote by the City Council is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney L. Eagle, Vice-Mayor	X			
Hugh J. Lantz				X
George W. Pace	X			
Charles R. Chenault	X			

Date: June 14, 2005

[SEAL]

City Clerk, City of Harrisonburg, Virginia

City Attorney Thumma said that Pleasant View was a tax-exempt organization and has the opportunity to take advantage of low interest financing. The offices are located in Broadway, which allows them to go to their IDA to ask for the bank-qualified eligibility. The Town of Broadway has approved these bonds and held a public hearing. Because the facility will be located in Harrisonburg, approval by Harrisonburg City Council is required by Virginia law, and will have no impact on the City “bank-qualified” eligibility.

Council Member Chenault offered a motion to approve this resolution. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
 Council Member Chenault

Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

The next item of business was distribution of Dog and Cat Sterilization Funds received from the Department of Motor Vehicles. Council Member Chenault offered a motion to distribute the funds (\$838.03) between the SPCA and Cats Cradle. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

The next item of business was a brief overview of the Denton Park. Matt Roberston, chairman of the Harrisonburg Landscape Committee for Denton Park said a landscape committee was formed in 2002 to address landscape issues throughout the City. He said that ground should be broken during the summer this year for the Denton Park and the project should be completed in 30-60 days. He reviewed the location of the park on Main Street, conceptual diagram and updated funds being raised for the park.

The next item of business was a request from the City Treasurer to advertise delinquent real estate taxes for 2002/2003 and 2003/2004. The ads will be advertised in the Daily News-Record. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

The next item of business was a request from the City Treasurer to charge off uncollectible personal property taxes for the year 1999 and real estate taxes for the year 1984. Mrs. Becky Neal said the 1984 real estate taxes being written off is \$193.68 and the 1999 personal property taxes' amount is \$91,467.92. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

City Attorney Thumma presented the following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, RELATING TO THE ADOPTION AND APPROVAL OF
CRITERIA FOR THE INSTALLATION OF SIGNS DISPLAYING
THE MAXIMUM SPEED LIMIT AND PENALTY FOR VIOLATIONS
PURSUANT TO SECTION 46.2-878.2 OF THE CODE OF VIRGINIA**

WHEREAS, the City of Harrisonburg, through its staff has developed criteria for the imposition of increased fines for speeding on residential streets in the city; and

WHEREAS, Section 46.2-878.2 of the Code of Virginia, 1950, as amended, requires the local governing body having jurisdiction over the streets to develop and adopt criteria for the installation of signs, displaying the maximum speed limit and the increased penalty for violations in those areas; and

WHEREAS, the City Council wishes to adopt the criteria for an increased penalty for speeding violations in problem areas of the City;

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

That the criteria as set forth on Exhibit A, which is attached hereto and made a part of this resolution, be approved and adopted by the City Council, for the imposition of increased penalties for exceeding the maximum speed limits in those areas of the City displaying appropriately placed signs.

Approved: June 14, 2005

MAYOR

ATTEST:

CLERK OF THE COUNCIL

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, DESIGNATING CERTAIN PORTIONS OF SOUTH DOGWOOD DRIVE
AND MARYLAND AVENUE IN THE CITY OF HARRISONBURG
FOR THE INSTALLATION OF SIGNS DISPLAYING
THE MAXIMUM SPEED LIMIT AND PENALTY FOR VIOLATIONS
PURSUANT TO SECTION 46.2-878.2 OF THE CODE OF VIRGINIA**

WHEREAS, citizens of the Maryland Avenue neighborhood requested a speed study for Maryland Avenue and Dogwood Drive in the City of Harrisonburg; and

WHEREAS, said speed study was conducted and it was determined that certain portions of Maryland Avenue and Dogwood Drive meet the City's criteria for an increased penalty for speeding violations; and

WHEREAS, the City Council wishes to designate those areas for an increase penalty for speeding violations and direct the Public Works department to erect the appropriate signs on those portions of Maryland Avenue and Dogwood Drive;

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

That Maryland Avenue from Dogwood Drive to South High Street and South Dogwood Drive from West Market Street to Maryland Avenue meet the criteria as adopted by the City Council for the imposition of increased penalties for exceeding the maximum speed limits in those areas of the City displaying appropriately placed signs, and those portions of Maryland Avenue and South Dogwood Drive, as described above, are hereby designated, pursuant to Section 46.2-878.2 of the Code of Virginia, 1950, as amended, for the increased penalty for speeding violations and the Public Works Department shall erect the appropriate signs showing said designated areas.

Approved: June 14, 2005

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Pace offered a motion to approve the resolution increasing the fine for speeding on certain portions of South Dogwood and Maryland Avenue. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

The next item of business was a request for a street closing for Valley 4th. Robin Iten Porter, Executive Director of the Arts Council, said that a parade and musical performance as part of the Valley 4th event will be held on Monday, July 4th. The request is also for the additional street closing in the Court Square area for the evening performances and finale. The area to be closed for the parade, which will begin at 5:00 p.m., will be from Campbell Street to the county administration building. Closing will take place no later than 3:00 p.m. to accommodate the 5:00 p.m. parade. Council Member Pace offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

The next item of business was a request from the Harrisonburg/Rockingham Convention & Visitors Bureau. City Manager Baker said the CVB is hosting the Great American Car Race on June 25th and is requesting to close streets from Gratten Street to Elizabeth Street, but leave Bruce Street and Water Street open allowing people to use the parking decks. Council Member Chenault offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

Parks and Recreation Assistant Director David Wigginton presented a request to transfer funds for the Parks and Recreation Department for “A Dream Come True” playground equipment. He said that these funds will be used for the project. Council Member Chenault offered a motion to approve transferring these funds, and that:

\$48,600.00 chge. to: 1310-34210 Transfer from General Fund

\$48,600.00 approp. to: 1310-910141-48699 Playground Equipment

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Parks and Recreation Assistant Director David Wigginton presented a request for a supplemental appropriation for the Parks and Recreation Department. He said that these funds will be use for playground equipment for the “A Dream Come True” playground. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$40,369.36 chge. to: 1000-31010 Amount from fund balance
309.80 chge. to: 1000-31809 Donations

\$40,679.16 approp. to: 1000-990111-49216 Transfer to Capital Projects

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request to make adjustments to the Emergency Communication Center budget and General Fund budget. This transfer of budgeted funds will cover shortfalls in the General Fund’s police and fire departmental budgets, since expenditures have continued from those departments rather than a consolidated ECC. Council Member Pace offered a motion to approve transferring these funds, and that:

\$165,989.00 chge. to: 1000-31207 E-911 Tax

46,329.00 chge. to: 1000-31221 E-911 Tax-Wireless Phones
256,078.00 chge. to: 1000-31805 EOC Payments from Rockingham County
302,604.00 chge. to: 1000-990111-48218 Transfer from ECC Fund

\$771,000.00 approp. to: 1000 Various Accounts

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

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

City Treasurer Neal presented a request for a supplemental appropriation for the Treasurer’s office. She explained that due to the addition of a full time “part-time” person to cover during the vacancy of a full time employee due to illness a shortage resulted in payroll. Also, an encoder necessary for submitting qualified deposits to the bank had to be replaced immediately. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$7,200.00 chge. to: 1000-31010 Amount from fund balance

\$7,200.00 approp. to: 121313-410303 PT Salary/wages

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

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said these are recovered funds spent for various projects during the year. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$7,700.19 chge. to: 1000-31914 Recovered costs

\$7,700.19 approp. to: 1000-320232-46140 Other Operating Supplies

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

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said these are recovered funds through a FEMA grant for fire prevention supplies. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$23,463.00 chge. to: 1000-33536 FEMA Assistance to Firefighters Grant
8,854.00 chge. to: 1000-33536 FEMA Assistance to Firefighters Grant

\$32,317.00 approp. to: 1000-320232-48203 Fire Programs Fund

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

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said these are recovered Homeland Security funds. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$142,671.58 chge. to: 1000-33534 Homeland Security Funds
2,000.00 chge. to: 1000-33534 Homeland Security Funds

\$142,671.58 approp. to: 1000-350532-48213 DOG/DEM 10 Equipment
2,000.00 approp. to: 1000-350532-48213 DOG/DEM 11 Equipment

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

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle

Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation to adjust the budget for fiscal year 2004-2005. He said that the Juvenile Crime Control fund will receive a Juvenile Accountability Grant through the Department of criminal justice. This grant requires a local match of \$1,147 of which the City needs to fund one-half and the court needs to fund the other half. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$573.50 chge. to: 1000-31010 Amount from fund balance

\$573.50 approp. to: 1000-990111-4930 Transfer to Juvenile Crime Control Fund

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

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation to adjust to fund anticipated budget deficits at the year-end. He said these funds will be used for a deficit in the City's Attorney's budget and expenses of the Social Services District. Also, there are debt payments on the Edge Loan and Radio equipment that was not included in the original budget. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$90,405.00 chge. to: 1000-31010 Amount from fund balance

\$20,000.00 approp. to: 1000-120411-43152 Other legal services

2,660.00 approp. to: 1000-910511-47071 Expenses of social services district

245.00 approp. to: 1000-910711-45810 Dues and memberships

65,000.00 approp. to: 1000-980142-49500 Lease/purchase radio equipment

2,500.00 approp. to: 1000-980142-49501 HRHA note (Edge Loan)

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

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a DMV grant for overtime. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$839.32 chge. to: 1000-33524 Federal DMV grant

\$839.32 approp. to: 1000-310231-41020 Salaries/wages overtime

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

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers
Absent – Council Member Lantz

Council Member Chenault offered a motion to provide an additional \$5,000 for the Valley 4th fireworks display and that:

\$5,000.00 chge. to: 1000-31010 Amount from fund balance

\$5,000.00 approp. to: 1000-91041-45885 Arts Council of the Valley

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

Council Member Chenault requested that City Manager Baker consult with the Community Development Department regarding a house on West Market Street that has approximately 15 cars sitting in the yard.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

At 9:50 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees, Harrisonburg Parking Authority, and Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition or real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Lantz

At 10:39 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 hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered a motion that Jimmy E. Garber, 406 West Avenue, be appointed to an unexpired term on the Industrial Development Authority, to expire on April 24, 2008. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

At 10:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR