

REGULAR MEETING

OCTOBER 11, 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 Hugh J. Lantz; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member George W. Pace.

Council Member Lantz gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Miriam Dickler, Public Information Officer, announced that the grand prize winner of the City's Youth Art Contest is Lauren Flynn from Harrisonburg High School. Her design will become the City's official youth logo and be used on the City's youth website.

Bucky Berry, a resident of Harrisonburg, said the City should discontinue issuing decals for vehicles.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the School Board and amending Section 4-2-75(b) of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent - Council Member Pace

Phoebe Kilby, president of Sympoetica, introduced the creation of two new residential zoning districts. She said R-6, Low Density Mixed Residential Planned Community and R-7, Medium, Density Mixed Residential Planned Community would add changes to the text of the Zoning Ordinance. No changes to the Zoning Map are proposed nor are there any plans to rezone landowner's properties. Both districts were proposed in the Comprehensive Plan. These are optional zoning districts for interested landowners who would like to develop planned communities with a mix of residential uses with support uses. The proposed changes would also allow the applicant to propose a creative master plan under flexible standards. The design objectives include: 1) A mix of residential lot sizes and configurations to provide a variety of housing opportunities, yet create a cohesive neighborhood that enhances social interaction. 2) Housing is clustered to preserve valuable environmental resources and provide usable recreational open space. 3) The open space system is as carefully designed as the housing area so as to provide usable parks, connected green spaces, and village greens and civic spaces visible

from roadways. 4) Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide many choices with regard to mode and route. 5) Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety. 6) Principal buildings address the street, presenting front facades on the publicly visible side of the building. 7) The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design. 8) Neighborhood support uses, such as neighborhood commercial areas, daycare facilities, community centers, churches and schools, are designed so as to be visually compatible with the residential character of the neighborhood and accessible by all transportation modes. These regulations do not set minimum lot sizes, setbacks, or yards. She said in the R-6 zoning district, the maximum density is six dwelling units per days per acre and only single family detached housing would be allowed. Fifteen percent of the land must be reserved for green space or open space and up to five percent of the land can be used for retail or professional use. The R-7 zoning district would allow a maximum density of 12 dwelling units per acre and allows single family detached and attached housing as well as multi-family units. Fifteen percent of the land must be reserved for green space or open space and up to 10 percent of the land area could be used for retail or professional uses.

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 Monday, September 26, and Monday, October 3, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Ordinance Amendment – R-6, Low Density Mixed Residential Planned Community & R-7, Medium Density Mixed Residential Planned Community

Public hearing to consider the addition of two new residential zoning districts. The two districts would allow developers greater flexibility for the construction of both single family detached and single family attached homes along with certain governmental, educational, religious, recreational, and support uses. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Both districts would allow the clustering of dwelling units. Communities would be developed and redeveloped in accordance with a master development plan adopted at the time of rezoning. Lot sizes and setbacks would be developed with this master development plan, not mandated by ordinance.

**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. Council Member Chenault offered a motion to approve the two new residential zoning classifications 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 Lantz
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Pace

The next item of business was a review of the revised Bicycle Plan. City Planner Keith Markel said the City's first bicycle plan was created in 1994 and updated in 1999. The Bicycle Plan Review Committee recommended trying to provide the safest environment possible for all City streets with posted speed limits of 35 miles per hour or greater and accommodate bicyclists with separate bicycle trail facilities. Moving bicycle facilities off of the road should make construction less expensive because it will not have to be built to street standard. The Bicycle Review Committee discusses improving current bicycle infrastructure, developing destination routes, a bicycle by-way concept, helping inexperienced bicyclists, and educating motorists and bicyclists. The list of improvements needed to the existing bike plan infrastructure is substantial. After evaluating the plan, the Bicycle Plan Review Committee has selected the most significant improvements needed to accomplish the overall goals of the Bicycle Plan. The committee developed a list of priority improvements list, which are realistically achievable during the next five years. The group has expressed an interest to continue meeting every two to four months. He said that Planning Commission recommended approval of the bike plan.

Mayor Rogers questioned whether the committee had reviewed a potential new school complex being built in the Eastern section of the City.

Mr. Markel replied that this plan was developed before the committee was aware of a proposed new school, but will take any new plans into consideration.

Council Member Chenault said that City staff had presented a design proposal at the last Council meeting. The plan includes a pedestrian/bicycle path from Hillandale Park to Garber's Church Road mostly avoiding the golf course and a pedestrian/bicycle path from Market Street to Parklawn Drive avoiding the Heritage Forest area.

At 8:01 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 Monday, September 26, and Monday, October 3, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Bicycle Plan Update

Public hearing to consider adoption of the revised bicycle plan. This plan includes proposed bike routes, and a prioritized list of infrastructure improvements.

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 the revised bicycle plan. Ben Wyse asked more than 100 bicycling enthusiasts attending the meeting to stand and said that it is important to consider this bike proposal and move forward with it. David Ehrenpreis, a resident of the City, said, "I am absolutely amazed for a number of reasons, but the main reason is because finally there is planning. Planning about the future and a bicycle plan, which has been carefully thought out. Harrisonburg needs this plan. "The plan is a plan and that's great, but there must be a follow-through." Alexandria Brown, a student at Harrisonburg High School, said the plan is incredibly important and will be beneficial to all of the students. Given the opportunity a lot of HHS students would be happy to bike to school every day. Connector trails across Garber's Church Road would decrease the traffic and help a lot with the situation. There being no others desiring to be heard, the public hearing was declared closed at 8:10 p.m., and the regular session reconvened.

Council Member Chenault said Harrisonburg's future is in alternative transportation and bicycling will be a primary method. This bicycle plan does so much for the community from a recreational point, getting to work, and tourism standpoint. Council Member Chenault offered a motion to approve the bicycle plan 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 Lantz
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent -- Council Member Pace

Planning and Community Development Director Turner introduced a request by Mick-or-Mack for a special use permit. She said this request will allow a church to occupy a portion of the structure located at 1586 South Main Street. The property can be found on tax map 10-C-6A & 9A. The applicant is requesting a special use permit for Aletheia Church to operate in an M-1, General Industrial District. The Comprehensive Plan designates this area as commercial. She reviewed the surrounding uses in the area. The church would utilize 7,500 square feet of building space, which is the main floor of the facility. Aletheia expects a congregation of approximately 300 people. The City Code requires church uses to supply two parking spaces for every 10 portable seats in the assembly use for largest capacity. Fifty parking spaces would be needed for a congregation of 250 members. The applicant must show that all required spaces are provided and clearly delineated on the site before a change of use permit would be issued. Providing sufficient parking is critical to prevent vehicles from overflowing onto surrounding properties such as Purcell Park. There was some concern expressed at the Planning Commission meeting about the level of lighting. Currently, there are two outdoor floodlights and five Harrisonburg Electric Commission light poles near the property. Planning Commission discussed the applicant providing lighting in relation to a standard that HUD has for a parking lot. She said that Planning Commission recommended approval of the request provided the additional lighting standard is met.

At 8:20 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 Monday, September 26, and Monday, October 3, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Special Use Permit – 1586 South Main Street (Aletheia Church)

Public hearing to consider a request from Mick-or-Mack LC, with representative David Driver for a special use permit {per Section 10-3-97(9) of the Zoning Ordinance} to allow a church to occupy a portion of the structure located at 1586 South Main Street. The property can be found on tax map 10-C-6A & 9A.

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 special use permit. Bucky Berry, a resident of the City, asked Council to approve the special use permit. Brandon Kiracofe speaking on behalf of Aletheia Church said they are excited about this location because they can reach out to more college students in the area. The church group plans on meeting twice on Sundays along with music practices through the week. There being no others desiring to be heard, the public hearing was declared closed at 8:25 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve the special use permit 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 Lantz
Council Member Chenault
Vice-Mayor Eagle
Mayor Rogers

Absent – Council Member Pace

Planning and Community Development Director Turner introduced a request by Roger and Patricia Simmons to rezone 2.55 acres currently zoned R-1, Single Family Residential District and B-2, General Business District to B-2C, General Business District Conditional. The parcel is located at 1161 West Market Street and can be found on tax map 37-A-9. She said that the Comprehensive Plan designates this area as Commercial. This lot was split zoned during the time of annexation, which was not an uncommon practice since there were many lots within the City that were split zoned. The applicant is requesting this rezoning to make this entire parcel commercial. If the rezoning is approved the applicant intends to construct two commercial buildings, which may contain five tenant spaces. This property was created without street frontage in November 2004, when the applicant created the subject parcel and the lot that is now occupied by Spotless Car Wash. She reviewed the surrounding uses in the area. The applicant has proffered out some of the intense uses allowed in the B-2, General Business District, leaving only some general business type uses permitted by right. Because of the close proximity of Thomas Harrison Middle School there would be no alcohol sales or adult bookstores on the premises. They have also proffered an evergreen landscaped tree buffer around the property line near the proposed building at the southwest corner of the lot. She said that Planning Commission recommended approval of the request.

At 8:30 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 Monday, September 26, and Monday, October 3, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning – 1161 West Market Street

Public hearing to consider a request from Roger and Patricia Simmons, with representative Blackwell Engineering to rezone 2.55 acres currently zoned R-1, Single Family Residential District and B-2, General Business District to B-2C, General Business District Conditional. The property is located at 1161 West Market Street and can be found on tax map 37-A-9.

The Comprehensive Plan designates this area as Commercial. This 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 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 B-2, General Business District is intended to provide 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 Rogers called on anyone desiring to speak for or against this rezoning request. Dick Blackwell representing the applicant said the detention pond that is located on the subject parcel is currently serving the carwash. The detention pond is an appropriate buffer. Lisa Hawkins an attorney with the law firm of Keeler Obenshain said she was representing Dr. Kale and his wife Susan owners of the adjoining undeveloped property. Harrisonburg Oasis has a series of walking trails that exist through the property creating a trail linking Thomas Harrison Middle School to Westover Park. The Cale's have a number of concerns about the rezoning and have been trying to contact this property owner. There is concern about the compatibility of some of the remaining allowed uses including hours of facilities operation, permitted outside storage, lighting, signage and height of buildings. Tattoo parlors or smoking facility are also not prohibited. There is a lot of opportunity to do more to make the zoning better and more compatible with a neighbor. Since this site plan isn't proffered the applicant could do something completely different. There being no others desiring to be heard, the public hearing was declared closed at 8:35 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to table this rezoning request for thirty days allowing sufficient time for the owners of Harrisonburg Oasis to meet with Roger and

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

Planning and Community Development Director Turner introduced a request from Keith May and Eric Adamson to rezone 16.30+/- acres from R-1, Single Family Residential District to R-2C, Residential District Conditional. The property is located at the intersection of Greendale and Ramblewood Roads and can be found on tax map 97-A-9 and 97-B-5-6. She explained that 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. She reviewed the surrounding uses in the area. Although not proffered, a previous plan showed the current R-1, Single-Family Residential zoning on the property would allow the construction of approximately 41 single-family detached dwellings units in the City. The proffered plan calls for the creation of 48 single-family home lots in the City's portion of the development. The applicant is requesting the rezoning to R-2, but has proffered limiting uses to single-family residential only, but using the lot sizes allowed in R-2. The applicant's second proffer outlines street improvements to both Greendale and Ramblewood Roads. The intersection would be improved with a dedicated right turn lane from Ramblewood to Greendale and a dedicated left turn lane from Greendale to Ramblewood. The last proffer is there will be no more than 48 lots in the City of Harrisonburg. At the Planning Commission meeting several residents spoke about water drainage, and extra traffic in the area. City staff has met with some of the property owners on numerous occasions discussing their problems. These problems would have to be resolved through civil remedies and not City action. She said that Planning Commission recommended approval of the request.

At 8:30 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 Monday, September 26, and Monday, October 3, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning – Greendale Subdivision

Public hearing to consider a request from Keith May and Eric Adamson, with representative Blackwell Engineering to rezone 16.30+/- acres from R-1, Single Family Residential District to R-2, Residential District. The property is located at the intersection of Greendale and Ramblewood Roads and can be found on tax map 97-A-9 and 97-B-5-6. 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-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 least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Roger D. Baker
City Manager

Vice-Mayor Eagle questioned who maintained the detention pond?

Mrs. Turner said in most of the subdivisions in the City it is the responsibly of the property owner. If the property owners do not maintain it in a way that it facilitates the drainage in the area then it is a matter between property owners. The City is not involved. The City is involved with reviewing the initial design and reviewing the installation, but the actual maintenance is left up to the private property owner.

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

Dick Blackwell representing Blackwell Engineering said there are some problems with stormwater during a heavy rain. Discussions have been held with the Public Works Department regarding the water issue.

Jim Baker, Public Works Department Director, said he has been contacted by the engineering firm and they are willing to pipe the storm drainage along the existing four or five lots on Greendale Road. "I haven't seen an engineering design or cost estimate, but I believe it is realistic to put a storm drain system along Greendale Road in front of those homes and capture some of the run off that is currently going into the stream."

Jerry McLeod, a resident of the City, said he did not oppose the subdivision, but he hoped something could be resolved on the property regarding the run-off water.

Jeff Cornwell, a resident of the City, said his land joined the detention pond and no one has spoken with him regarding the water runoff. Each new subdivision that was created in this area created more water runoff. He said it seems like we are putting the cart before the horse for a lot of situations in the City and this is a prime example. There being no others desiring to be heard, the public hearing was declared closed at 9:10 p.m., and the regular session reconvened. Mayor Rogers requested that Dick Blackwell meet with the residents who have expressed concern, write a letter, and resolve the issue. Following further discussion and comments, Vice-Mayor Eagle

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

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

Absent – Council Member Pace

The next item of business was a presentation by the Harrisonburg Jamestown 2007 Committee. Glenda Rooney representing the Harrisonburg-Rockingham County Community program for Jamestown 2007 said an application has been submitted to become part of the community program. The group has been meeting since January 2004. The group is dependent upon the community for monetary support. She presented a proposal to have a CD ROM driving tour of Harrisonburg-Rockingham County utilizing Route 11, Route 42 and Fadely Road. She requested that the City provide \$7,000 for the CD ROM driving tour. Vice-Mayor Eagle offered a motion to approve the request, and that:

\$7,000.00 chge. to: 1000-940111-49310 Reserve for contingencies
\$7,000.00 approp. to: 1000-910411-45898 Jamestown 2007 Committee

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

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

Absent – Council Member Pace

Mayor Rogers presented the following resolution for Council's consideration.

RESOLUTION

Adoption of the Central Shenandoah Valley All Hazards Mitigation Plan

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance, and

WHEREAS, the Central Shenandoah Mitigation and Planning Workgroup representing 20 localities of the Central Shenandoah Planning District was convened in

order to study the Region's risks from and vulnerability to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Region; and

WHEREAS, THE Mitigation and Planning Workgroup was provided staff support by the Central Shenandoah Planning District Commission; and

WHEREAS, the efforts of the Mitigation and Planning Workgroup, the staff of the Central Shenandoah Planning District Commission and Virginia Tech's Center for Geospatial Technology as well as members of the public, private and nonprivate sectors, have resulted in the development of a Natural Hazards Mitigation Plan for the Region.

NOW THEREFORE, BE IT RESOLVED by the Harrisonburg City Council that the Central Shenandoah Valley All Hazards Mitigation Plan dated September 2005 is hereby approved and adopted by the City of Harrisonburg.

Adopted by the Harrisonburg City Council this 11th day of October, 2005.

APPROVED

Larry M. Rogers, Mayor

ATTEST:

Yvonne Ryan, CMC, City Clerk

City Manager Baker said this resolution will adopt The Regional All Hazards Mitigation Plan. The Disaster Mitigation Act of 2000 (DMA2K) requires that local governments adopt the plan, which is a requirement of the Federal Emergency Management Agency (FEMA). Vice-Mayor Eagle offered a motion to adopt this resolution. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Pace

Mayor Rogers presented the following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HARRISONBURG, VIRGINIA
DECLARING ITS INTENTION TO REIMBURSE
THE COST OF CERTAIN EXPENDITURES**

The City of Harrisonburg, Virginia (the "City") has made or will make expenditures (the "Expenditures") in connection with the acquisition, construction and

equipping of a new elementary school and middle school located in the City, including related road and water and sewer improvements (the "Project").

The City may determine that the funds advanced and to be advanced to pay the Expenditures will be reimbursed to the City from the proceeds of one or more obligations to be issued by or on behalf of the City (the "Indebtedness").

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

1. The Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within sixty (60) days prior to the date hereof with respect to the Project. Further, Expenditures made more than sixty (60) days prior to the date hereof may be reimbursed as to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

2. The maximum principal amount of Indebtedness expected to be issued for the Project is \$35,500,000.

3. This resolution shall take effect immediately upon its adoption.

Adopted: October 11, 2005

A Copy Teste:

City Clerk
City Council of the City of Harrisonburg,
Virginia

(SEAL)

CERTIFICATION

The undersigned City Clerk of the City of Harrisonburg, Virginia hereby certifies (1) that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Harrisonburg, Virginia at a regular meeting duly called and held on October 11, 2005, with the City Council members present and absent and voting on the Resolution as set forth below; (2) that such meeting was duly convened and held in all respects in accordance with law; and (3) that the foregoing Resolution has not been repealed, revoked, rescinded or amended.

<u>NAME</u>	<u>ATTENDANCE</u>		<u>VOTE</u>	
	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>
Larry M. Rogers, Mayor	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>
Rodney L. Eagle, Vice Mayor	<u> X </u>	<u> </u>	<u> X </u>	<u> </u>

Charles Chenault
Hugh J. Lantz
George W. Pace

<u> X </u>	<u> </u>	<u> X </u>	<u> </u>
<u> X </u>	<u> </u>	<u> X </u>	<u> </u>
<u> </u>	<u> X </u>	<u> </u>	<u> </u>

WITNESS, my hand and the seal of the City of Harrisonburg, Virginia this 11th day of October, 2005.

CITY OF HARRISONBURG, VIRGINIA

By _____
Name: Yvonne Bonnie Ryan
Title: City Clerk

City Manager Baker said adopting this resolution will allow the City to reimburse itself from any bond proceeds should we decide to do so. Council Member Lantz offered a motion to adopt this resolution. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Pace

The next item of business was consideration of proposed changes to Chapter 2 Solid Waste Collection and Disposal. Public Works Director Baker said these proposed changes are in general a comprehensive change of the City’s solid waste ordinance. Over the years there have been many issues including reserving space in the landfill and controlling the type of material going to the Resource Recovery Facility. He said stronger language has been added to the ordinance addressing construction debris and vegetative disposal of grass clippings. Following further discussion and comments, Council Member Lantz offered a motion to adopt this ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Pace

City Manager Baker presented for Council’s consideration amending and re-enacting Section 3-4-1 of the Harrisonburg City Code. He said amending this ordinance involves the creation of a separate department for Information Technology and realigns other departments. Council Member Lantz offered a motion to adopt this ordinance for a first reading. The motion

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

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

Absent – Council Member Pace

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said that these funds are needed for the purchase of the Dove property at 1207 Port Republic Road. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$210,000 chge. to: 1000-31010 Amount from Fund Balance
\$210,000 chge. to: 1310-34210 Transfer from General Fund

\$210,000 approp. to: 1000-990111-49216 Transfer to Capital Projects
\$210,000 approp. to: 1310-910141-48617 Port Republic Road Street Improvements

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

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

Absent – Council Member Pace

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from the Irma Wilfong estate, fire programs and recovered costs. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$56,366.14 chge. to: 1000-31809 Donations
140,373.04 chge. to: 1000-32512 Fire Programs Fund
21,267.00 chge. to: 1000-31914 Recovered Costs

\$16,119.86 approp. to: 1000-350532-48213 Equipment
18,108.60 approp. to: 1000-350532-46160 Haz Mat Supplies
137,561.58 approp. to: 1000-320232-48203 Fire Programs
1,000.00 approp. to: 1000-350532-46155 Two-For-Life
56,366.14 approp. to: 1000-320232-48111 Equipment

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

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

Absent – Council Member Pace

At 9:30 p.m., Council Member Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Pace

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 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.

At 10:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

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